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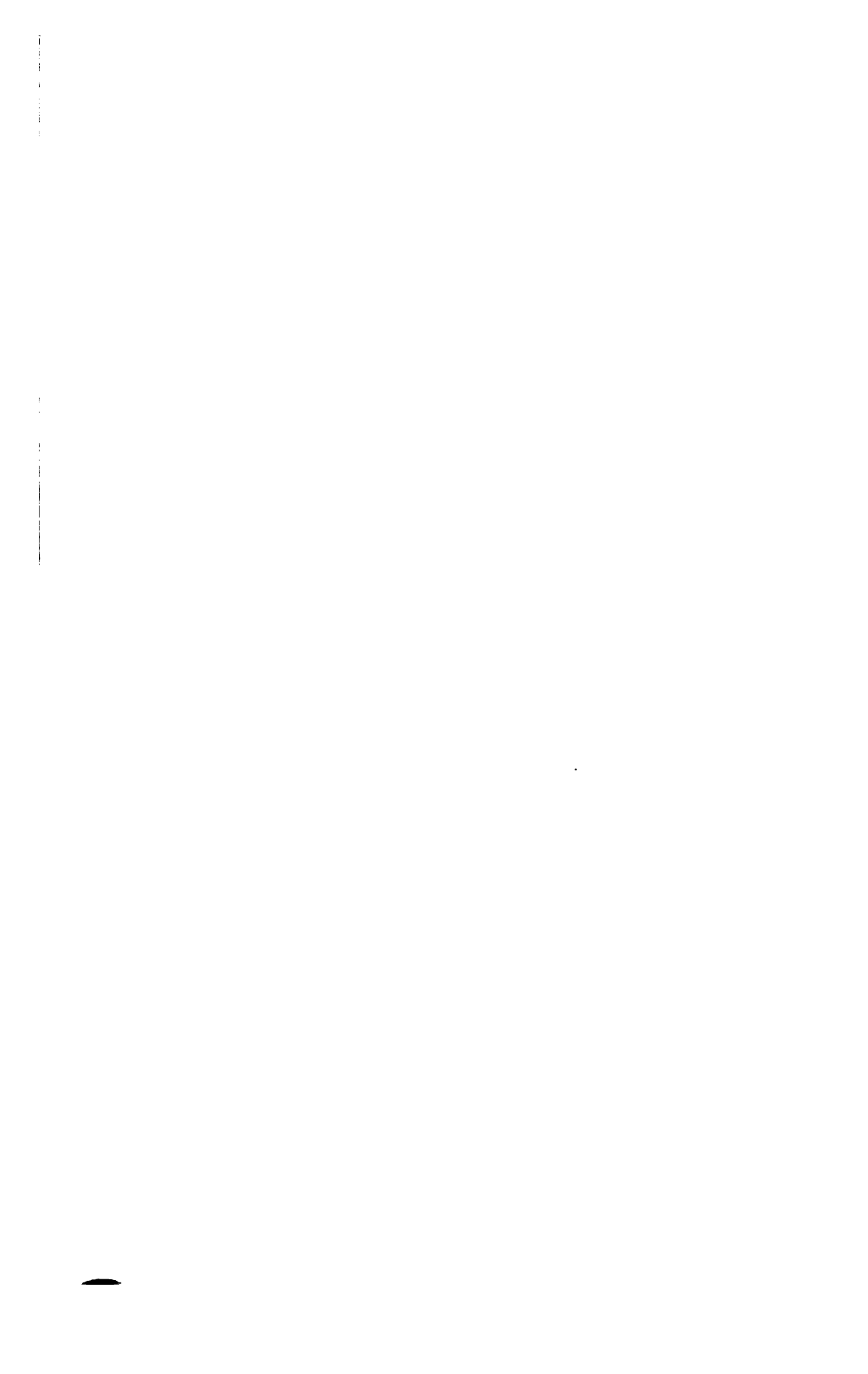
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ACTS

OF THE

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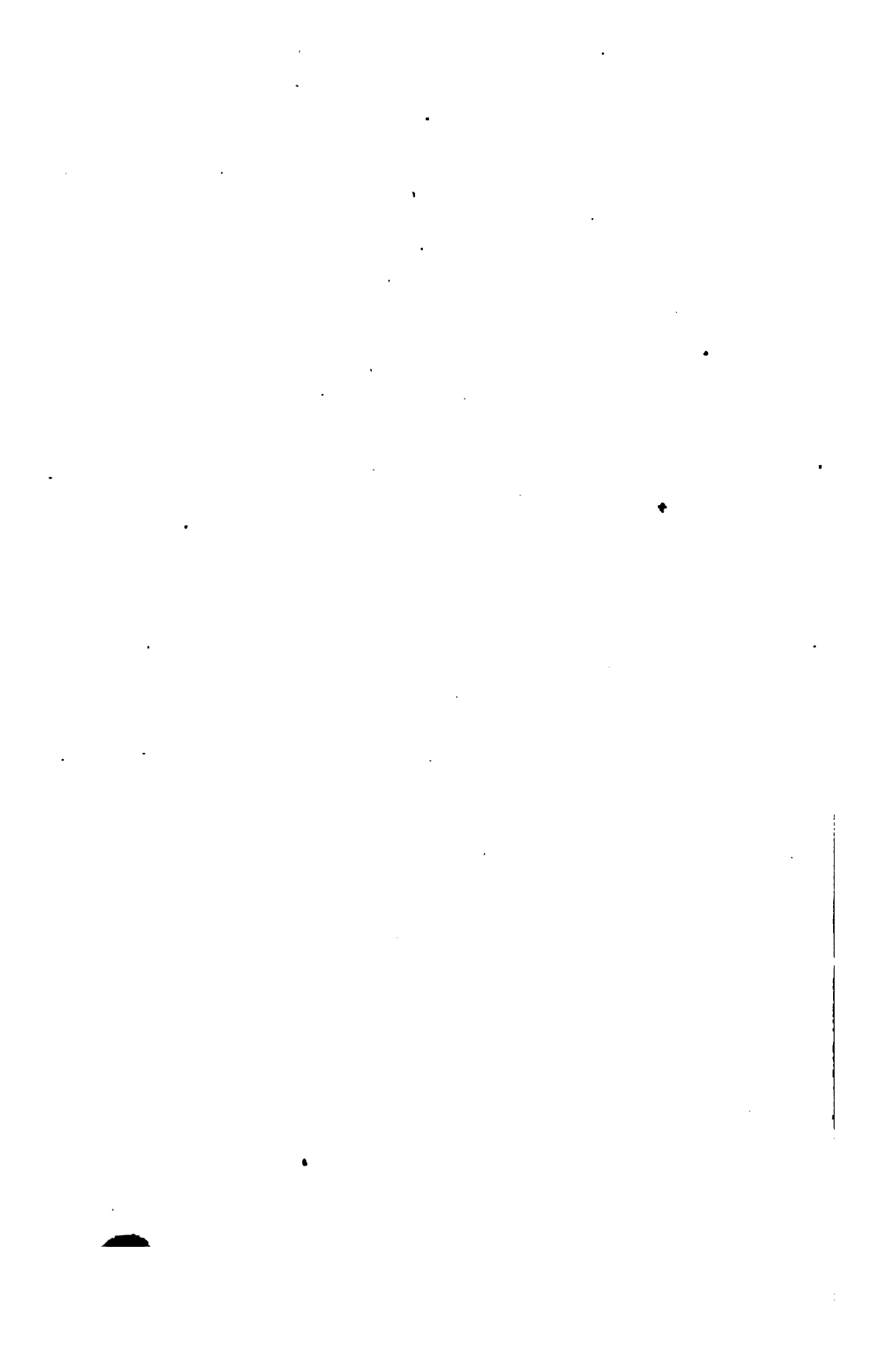
PASSED AT THE

REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS
BEGUN AND HELD IN THE CITY OF FRANKFORT ON
MONDAY, THE THIRTY-FIRST DAY OF DECEM-
BER, EIGHTEEN HUNDRED AND
EIGHTY-THREE.

VOLUME I.

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PUBLIC ACTS

OF THE

STATE OF KENTUCKY,

PASSED AT THE REGULAR SESSION OF THE GENERAL
ASSEMBLY, WHICH WAS BEGUN AND HELD IN
THE CITY OF FRANKFORT ON MONDAY,
THE THIRTY-FIRST DAY OF DE-
CEMBER, EIGHTEEN HUN-
DRED AND EIGHTY-
THREE.

J. PROCTOR KNOTT, *Governor.*
JAS. R. HINDMAN, *Lieut. Gov'r and Speaker of Senate.*
CHAS. OFFUTT, *Speaker of the House of Representatives.*
J. A. MCKENZIE, *Secretary of State.*
P. W. HARDIN, *Attorney General.*

CHAPTER 7.

AN ACT to make Buzzard creek, in Clay county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the stream in Clay county, Kentucky, known as Buzzard creek, from the mouth to Campbell Smith's farm, be, and the same is hereby declared to be and made, a navigable stream for all intents and purposes.

Buzzard creek
declared navigable.

§ 2. It shall be unlawful for any person or persons to obstruct, dam, or hinder or delay the free and full use of said

LAWS OF KENTUCKY.

Penalty for obstructing.

stream from the mouth to Campbell Smith's farm, and any person so obstructing, damming, hindering, delaying, or in any way interrupting, the free and full use of said stream, or attempting to interrupt the free and full use of said stream, shall, for each offense, be fined not less than twenty dollars nor more than fifty dollars, and all offenses and violations of this act shall be tried, and the fine assessed, by the county court of Clay county.

§ 3. This act shall take effect from and after its passage.

CHAS. OFFUTT,

Speaker of the House of Representatives.

JAMES R. HINDMAN,

Speaker of the Senate.

Approved January 15, 1884.

J. PROCTOR KNOTT.

By the Governor:

J. A. MCKENZIE, *Secretary of State.*

CHAPTER 14.

AN ACT to change the time for holding the regular terms of the Bath circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Bath circuit court—time of holding.

§ 1. That hereafter the Bath circuit court shall be held by the judge thereof, commencing on the last Monday in the months of February and August of each year, and continue for eighteen juridical days, if the business of said court requires it.

§ 2. That this act take effect from and after its passage.

Approved January 17, 1884.

CHAPTER 15.

AN ACT to fix the time of holding the Hart county quarterly court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Hart county quarterly court—terms of.

§ 1. That hereafter the regular terms of the Hart county quarterly court shall commence on the third Mondays in

LAWS OF KENTUCKY.

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March, June, September, and December in each year, and continue so long as the business of the court may require, instead of the times now fixed by law.

§ 2. That this act shall take effect from and after its passage.

Approved January 17, 1884.

CHAPTER 21.

AN ACT to amend article twelve, chapter thirty-eight, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the officer making sale of lands under article twelve, chapter thirty-eight, of the General Statutes, title "Executions," shall have authority to administer to the appraisers the oath required by subsection three of section two of said article.

Art. 12, chap. 38,
page 426, Gen.
Stat., amended.

§ 2. This act shall take effect and be in force from its passage.

Approved January 19, 1884.

CHAPTER 26.

AN ACT to change the time of holding the Logan quarterly court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the time for holding the quarterly court for and in Logan county shall be as follows: Commencing on the first Mondays in March, June, September, and December of each year, and continue at each term as many days as may be necessary to complete the business before said court.

Logan quarterly
court—terms of.

§ 2. This act shall be in force from and after its passage.

Approved January 19, 1884.

CHAPTER 27.

AN ACT for taking the sense of the good people of this Commonwealth as to the necessity and expediency of calling a Convention to amend the Constitution, and to ascertain the number of persons entitled to vote for Representatives.

Preamble.

WHEREAS, Experience has pointed out the necessity of amending the Constitution, and the necessity and expediency of calling a Convention for that purpose; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Poll to be opened.

§ 1. That at the next general election held for Representatives to the General Assembly, it shall be the duty of the several sheriffs and other officers of election to open a poll for taking the sense of the people as to calling a convention to amend the Constitution, and make a return to the Secretary of State, for the time being, of the names of all those entitled to vote for Representatives who have voted for calling such Convention.

Fine for failure.

§ 2. That for any failure to perform the duties prescribed in the first section of this act, every sheriff or other return-officer shall be liable to a fine of six hundred dollars, to be recovered by indictment of the grand jury in any court having jurisdiction, and shall also upon conviction be subject to removal from office.

Duty of officers.

§ 3. That it shall be the duty of the officers of said election to propound to every voter the question: "Do you vote for calling a Convention or not?" And if such voter shall answer in the affirmative, his name shall be recorded as voting for said Convention.

Duty of assessors.

§ 4. That all assessors are hereby required to enroll, in a column which each shall open in his assessor's book for that purpose, the name of all citizens having the right to vote for Representatives for the year 1885. But said assessors shall not enroll in such column the name of any person unless they shall at the time know that he is entitled to vote for Representatives at said election; and such knowledge shall be founded only upon (1) the personal acquaintance of the assessor; or (2) sufficient information obtained by him directly from the person whose name is enrolled;

or (3) a satisfactory statement, under oath, from other credible persons who know the facts necessary to the qualification of such voter. Any assessor enrolling in said column any name, without such knowledge or information, shall be deemed guilty of a misdemeanor, and fined in a sum not less than twenty nor more than fifty dollars for each and every name thus improperly enrolled, which fine may be recovered in any court having jurisdiction, and shall be for the benefit of the common schools. Said assessors shall be governed in all cases by the laws then in force to prevent illegal voting. Said column, written in a fair and legible manner, shall be returned, with said assessor's book, to the Auditor, who shall make out a copy of said columns and deposit the same in the office of the Secretary of State, to be reported by him to the next General Assembly.

Penalty.

To be returned to Auditor.

§ 5. It shall be the duty of each assessor in office for the year 1885, before he shall have entered upon the duties of his office, to go before the judge of the county court and make the following oath: "I do solemnly swear, that I will faithfully ascertain the number of persons qualified to vote for Representatives in the district for which I have been chosen assessor for the year 1885, and will carefully report the same in the book returned by me as assessor of tax by the first day of May, 1885."

Oath.

§ 6. Said assessors are hereby required to examine on oath as to his right to vote for Representative, any person of whose right so to vote such assessor has any doubt whatever; and any one thus examined, who shall knowingly swear falsely as to his said right, shall be liable to all the pains and penalties of the crime of perjury; and every assessor shall write opposite to the name of each person thus sworn the word "sworn."

Penalty for swearing falsely.

§ 7. It shall be the duty of the Secretary of State to have this act advertised in one weekly newspaper in each county of the Commonwealth for four weeks, nearly or next preceding the election, and in one of the daily papers of the city of Louisville for thirty days immediately prior thereto; and in every county said Secretary shall cause to be posted at the court-house door a copy of said bill, printed

Secret'y of State to advertise.

in hand-bill form, for at least four consecutive weeks before such election.

Duty of Public Printer. § 8. The Public Printer is hereby required to print five hundred copies of the fourth, fifth, and sixth sections of this act, and deliver them to the Secretary of State, whose duty it shall be to transmit them to the various county clerks; and it shall be the duty of such clerks to place them promptly in the hands of each assessor of tax for the year 1885, in their respective counties. It shall also be the duty of the Public Printer to print five thousand copies of this act upon a separate sheet, and deliver them to the Secretary of State, who shall forward the same to the county clerks of the various counties in such numbers as to provide at least two copies of said act for each voting precinct; and said clerks shall deliver the same to the sheriffs or other officers acting in place thereof; and it shall be the duty of such sheriff or other officer to post one copy of said act at each voting place for four weeks prior to said election, and another copy at some other suitable public place in said precinct; and any officer failing to discharge the duties prescribed in this act, shall be fined for each failure twenty dollars, to be recovered in any court having jurisdiction.

Of clerks and sheriffs.

§ 9. This act shall take effect from its passage.

Approved January 19, 1884.

CHAPTER 38.

AN ACT to amend an act, entitled "An act to change the time of holding the court of claims of Fayette county, and to define the jurisdiction of call meetings of said court."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Terms and jurisdiction of Fayette county court of claims. § 1. That section one be amended by striking out "second Monday in July" and inserting in lieu thereof "second Monday in May."

§ 2. This act shall be in force from its passage.

Approved January 22, 1884.

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CHAPTER 57.

AN ACT to amend section two, article eighteen, chapter twenty-eight, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section two, article eighteen, chapter twenty-eight, of the General Statutes, be amended by adding thereto the following words, to-wit: "And in case of failure to keep said record-book, the justice so failing may be indicted by the grand jury in any court of competent jurisdiction, and, upon conviction, shall be fined in any sum not less than twenty dollars nor more than one hundred dollars, in the discretion of the jury.

Sec. 2, art. 18,
chap 28, page
308, amended.

§ 2. This act to take effect from its passage.

Approved January 28, 1884.

CHAPTER 62.

AN ACT to change the time of holding the Bullitt county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county courts of Bullitt county shall be held on the first Monday in each month instead of the third Monday, as now held, and all acts or parts of acts in conflict herewith are hereby repealed.

Bullitt county
court—terms of.

§ 2. This act shall take effect from and after its passage.

Approved January 31, 1884.

CHAPTER 65.

AN ACT to change the time of holding the Christian county quarterly court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter the time for holding the quarterly court in and for Christian county shall be as follows: Commencing on the fourth Mondays in January, April, July, and October of each year, and continue at each term as

Christian county
quarterly court—
terms of.

many days as may be necessary to complete all the business before said court.

§ 2. The county judge of Christian county may change the time of holding the quarterly court, as provided in the first section of this act, by order entered on order-book of said court, of which public notice shall be given by advertisement inserted for two weeks in some newspaper published in the county.

§ 3 This act shall take effect from and after the first day of April, one thousand eight hundred and eighty-four.

Approved January 31, 1884.

CHAPTER 114.

AN ACT to change the time of holding county and quarterly courts of Menifee county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Menifee county
quarterly court
—terms of.

§ 1. That hereafter the August and October terms of the Menifee county courts shall be changed from first Monday in said months to the second Mondays in said months. All acts inconsistent with the above are hereby repealed, and the same shall take effect from its passage.

§ 2. That the time for holding the quarterly courts of Menifee county shall be changed from the fourth Saturday to Tuesday after the first Mondays in the months of May, June, September, and December. That all acts inconsistent with the above are hereby repealed.

§ 3. This act to take effect from its passage.

Approved February 6, 1884.

CHAPTER 120.

AN ACT concerning certain courts in Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Special Judge
provided for.

§ 1. That when the judge of the Jefferson court of common pleas, or the chancellor of the Louisville chancery court, or vice chancellor of the Louisville chancery court,

shall fail to attend, it shall be lawful for the members of the bar in attendance on such court to elect a special judge to hold such court for the occasion, in the same manner as special judges for circuit courts are elected.

§ 2. When the judge of the Jefferson court of common pleas cannot properly preside in an action or special proceeding pending before him, such action or special proceeding shall be transferred by the clerk of said court or the judge thereof to the vice chancellor of the Louisville chancery court, and all further steps and proceedings in such action or special proceeding shall be had before said vice chancellor; and if, for any cause, the vice chancellor cannot properly preside in such action or special proceeding, the same shall be transferred to the Jefferson circuit court and there tried. Transfer of cases.

§ 3. When the chancellor of the Louisville chancery court cannot properly preside in an action or special proceeding pending before him, such action or special proceedings shall be transferred to the vice chancellor of the Louisville chancery court, and all further steps and proceedings in such action or special proceeding shall be had before said vice chancellor; and if, for any cause, the vice chancellor cannot properly preside in an action or special proceeding so transferred, a special judge may be chosen to try the same as special judges for circuit courts are chosen. Transfer of cases.

§ 4. When the vice chancellor of the Louisville chancery court cannot properly preside in any ordinary action or special proceeding at law pending before him, such action or special proceeding shall be transferred to the judge of the Jefferson court of common pleas, and all further steps and proceedings in such action or special proceeding shall be had before the judge of the Jefferson court of common pleas; and if, for any cause, the judge of the Jefferson court of common pleas cannot properly preside in an action or special proceeding so transferred, the same shall be transferred to the Jefferson circuit court. Transfer of cases.

§ 5. When the vice chancellor of the Louisville chancery court cannot properly preside in an equitable action or special proceeding in equity pending before him, such ac- Transfer of cases.

tion or special proceeding shall be transferred to the chancellor of the Louisville chancery court, and all further steps and proceedings in such action or special proceeding shall be had before the chancellor; and if, for any cause, the chancellor cannot properly preside in any action or special proceeding so transferred, a special judge may be chosen to try the same as special judges for circuit courts are chosen.

§ 6. Any action or special proceeding pending before the judge of the Jefferson court of common pleas, or the chancellor of the Louisville chancery court, or the vice chancellor of the Louisville chancery court, in which any party shall file with the clerk of the court his affidavit that the judge before whom the same is pending will not afford him a fair and impartial trial, shall, upon the filing of such affidavit, be deemed a case in which such judge cannot properly preside.

§ 7. The provisions of sections two, three, four, five, and six of this act for transferring cases shall apply also when the presiding judge of the court from which the transfer is to be made is a special judge chosen under the first section of this act.

§ 8. No special judge shall be chosen to preside in any action or special proceeding pending before the judge of the Jefferson court of common pleas, or the chancellor of the Louisville chancery court, or the vice chancellor of the Louisville chancery court, except as provided in this act.

§ 9. The mode of choosing special judges under this act, and the powers, responsibilities, and compensation for such special judges, shall be the same as is provided by law for special judges of circuit courts.

Responsibilities
and compensation
regulated.

§ 10. Nothing in this act shall in any way affect the powers, duties, responsibilities, or compensations of special judges chosen before this act takes effect.

§ 11. Whenever an ordinary action or proceeding pending before the vice chancellor is transferred to the equity docket, it shall go to the vice chancellor's equity docket. Whenever an equitable action or proceeding pending before the vice chancellor is transferred to the common law docket, it shall go to the vice chancellor's common law docket.

Transfer of cases
regulated.

Like transfers from the ~~Jefferson~~ court of common pleas shall be made to the Louisville chancery court, and from the Louisville chancery court to the Jefferson court of common pleas. The cases transferred under this section shall not be counted in the allotment or distribution of cases, as now provided by law.

§ 12. This act shall take effect from and after its passage.

Approved February 7, 1884.

CHAPTER 149.

AN ACT declaring Buffalo creek, in Johnson county, navigable.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Buffalo creek, in Johnson county, be, and is hereby, declared navigable. Buffalo creek navigable.

§ 2. This act to take effect from and after its passage.

Approved February 16, 1884.

CHAPTER 152.

AN ACT declaring Turkey creek, in Floyd county, navigable.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Turkey creek, in Floyd county, shall be, and is hereby, declared navigable. Turkey creek navigable.

§ 2. This act to take effect from and after its passage.

Approved February 16, 1884.

CHAPTER 153.

AN ACT declaring the Middle Fork of Daniel's creek, in Johnson county, navigable.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Middle Fork of Daniel's creek, in Johnson county, be, and is hereby, declared navigable. Middle Fork of Daniel's creek navigable.

§ 2. This act shall take effect from and after its passage.

Approved February 16, 1884.

CHAPTER 163.

AN ACT to regulate fees to witnesses in Justices' courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Witness fees regulated.

§ 1. That the fees of witnesses in justices' courts, where the witness resides in the same magisterial district in which the court is held, shall be fifty cents, and no fee shall be taxed in any case unless said witness shall be regularly subpoenaed, and shall claim his attendance in open court. This act shall apply only to witnesses in civil cases.

§ 2. This act shall take effect from its passage.

Approved February 16, 1884.

CHAPTER 170.

AN ACT to regulate and fix the time of holding the courts in the thirteenth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Terms of courts in thirteenth judicial district.

§ 1. That an act, entitled "An act to fix and regulate the terms and times of holding the courts in the thirteenth judicial district," approved March twenty-fourth, one thousand eight hundred and eighty-two, be, and the same is hereby, amended so as to read as follows, to-wit: That the Morgan circuit courts shall commence on the Mondays succeeding the Wolfe courts, and continue twelve juridical days, if the business of the courts require it; and that the Elliott circuit courts shall commence on the Mondays succeeding the Morgan courts, and continue twelve juridical days, if the business of the courts require it; and that the Montgomery circuit courts commence on the Tuesdays succeeding the Elliott circuit courts, and continue as now provided for.

§ 2. That all acts and parts of acts in conflict with this act are hereby repealed.

§ 3. This act to take effect and be in force from and after its passage.

Approved February 18, 1884.

CHAPTER 202.

AN ACT to amend section seven hundred and ten of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section seven hundred and ten of the Civil Code of Practice, in that part of it which reads, "if it be issued by the judge of the quarterly court, it shall be returned before him," be so amended as to read, "unless the defendant or defendants all reside in one district, and there be an acting justice of the peace and an acting constable in said district."

§ 2. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 3. This act shall be in force and effect from and after its passage and signature by the Governor.

Approved February 21, 1884.

CHAPTER 204.

AN ACT to amend section two hundred and ninety of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two hundred and ninety of the Civil Code of Practice be, and it is hereby, amended by inserting the words "or by the clerk of the court" after the words "county judge," and before the word "may" in said section.

Civil Code, sec. 290, page 62, amended.

§ 2. This act shall take effect and be in force from its passage.

Approved February 21, 1884.

CHAPTER 209.

AN ACT to amend the General Statutes, title "Conveyances."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter twenty-four, title "Conveyances," of the General Statutes of this State, be, and the same is hereby, amended by an additional section, as follows:

Chap. 24, page 255, Gen. Stat., amended.

"§ 40. The requirements of this chapter as to the acknowledgment or proof of the execution of deeds shall not apply to nor affect deeds made or executed under and in accordance with the laws of the United States of America. Such deeds, when so executed, shall be entitled to be recorded in this State, and such deeds so executed that have been recorded in this State, or that would be entitled to be recorded under this act, that shall hereafter be recorded in this State, shall have the same force and effect as though they had been acknowledged or proved and recorded in accordance with the laws of this State."

Approved February 21, 1884.

CHAPTER 211.

AN ACT changing the time for holding the quarterly courts of Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Muhlenburg
county quarterly
court—terms of.

§ 1. That the quarterly court of Muhlenburg county shall begin and be held on the third Mondays in January, April, July, and October of each year, and continue at each term so long as the business requires.

§ 2. All laws in conflict herewith are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved February 21, 1884.

CHAPTER 215.

AN ACT declaring Rock creek, in Wayne county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Rock creek de-
clared navigable.

§ 1. That Rock creek, in Wayne county, is hereby declared a navigable stream from its mouth to the State line.

Penalty for ob-
structing.

§ 2. That any person hereafter in any way obstructing said creek by cutting and falling timber into it, so as to obstruct the navigation of said creek, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than one nor more than ten dollars for each offense, to

be recovered by any court of competent jurisdiction; to be applied and paid into the common school fund of said county. That nothing in this act shall be so construed as to prevent persons owning land on said creek from putting in water-gates to protect their crops from stock running at large, nor shall this act affect any permanent improvement at this time existing on said creek.

§ 3. This act shall take effect from its passage.

Approved February 21, 1884.

CHAPTER 219.

AN ACT to declare the Laurel Fork of Kiniconick creek, and all its tributaries, in Lewis county, navigable.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Laurel Fork of Kiniconick creek, and all its tributaries, in Lewis county, be declared navigable.

Laurel Fork of Kiniconick and tributaries navigable.

§ 2. This act shall not be so construed as to interfere with any mill-dam now erected or in process of erection.

§ 3. This act shall take effect and be in full force from and after its passage.

Approved February 21, 1884.

CHAPTER 221.

AN ACT declaring the Little South Fork, in Wayne county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Little South Fork, in Wayne county, is hereby declared to be a navigable stream from its mouth to the State line.

Little South Fork navigable.

§ 2. That any person hereafter in any way obstructing said creek by cutting and falling timber into it, so as to obstruct the navigation of said creek, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five nor more than twenty dollars for each offense, to be recovered by any court of competent jurisdiction, to

Penalty for obstructing.

be applied and paid into the common school fund of said county. That nothing in this act shall be so construed as to prevent persons owning land on said creek from putting in water-gates to protect their crops from stock running at large, nor shall this act affect any permanent improvement at this time existing on said creek.

§ 3. This act shall take effect from its passage.

Approved February 21, 1884.

CHAPTER 229.

AN ACT to amend section eight of article fifteen of chapter twenty-nine of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 8, art. 15,
chap. 29, page
342, Gen. Stat.,
amended.

§ 1. That section eight of article fifteen of chapter twenty-nine of the General Statutes be, and the same is, amended by striking out the word "or" between "husband" and "wife," and inserting after the word "wife" the following, viz: "father, mother, brother, sister, or grand-parents."

§ 2. That this act take effect from and after its passage.

Approved February 25, 1884.

CHAPTER 258.

AN ACT to repeal an act, entitled "An act to amend article two, chapter thirty-three, entitled 'Elections,' of the General Statutes, so far as it applies to elections and terms of office of the officers therein named in Carter and Elliott counties, and to re-enact the provisions of article two of chapter thirty-three of the General Statutes repealed thereby."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Art. 2, chap. 33,
page 376, amend-
ed.

§ 1. That an act, entitled "An act to amend article two, chapter thirty-three, entitled 'Elections,' of the General Statutes," approved March eighth, one thousand eight hundred and seventy-six, so far as said act regulates elections and terms of office of officers therein mentioned in Carter and Elliott counties, be repealed, and the provisions of

article two of chapter thirty-three of the General Statutes, repealed by said act, be re-enacted.

§ 2. This act shall take effect from its passage.

Approved February 29, 1884.

CHAPTER 278.

AN ACT to declare Rockhouse Fork of Kentucky river a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Rockhouse Fork of the Kentucky river be, and the same is hereby, declared to be a navigable stream. Rockhouse Fork navigable.

§ 2. This act shall be in effect from and after its passage.

Approved March 3, 1884.

CHAPTER 279.

AN ACT to declare Bent creek, in Pike county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Bent creek of John's creek, in Pike county, be, and the same is hereby, declared a navigable stream from its mouth up to John C. Pinson. Bent creek navigable.

§ 2. This act shall take effect at its passage.

Approved March 3, 1884.

CHAPTER 281.

AN ACT to declare Peter creek, in Pike, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Peter creek, in Pike county, be, and the same is hereby, declared a navigable stream from its mouth up to the log dam on the Left Hand Fork of Peter creek. Peter creek navigable.

§ 2. This act shall take effect at its passage.

Approved March 3, 1884.

CHAPTER 282.

AN ACT to declare the Laurel Fork of Rockcastle river, in Jackson county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Laurel Fork navigable.

§ 1. That the Laurel Fork of Rockcastle river, in Jackson county, be, and the same is hereby, declared a navigable stream from the mouth of Indian creek to the mouth of Moncammon creek.

§ 2. That this act take effect from its passage.

Approved March 3, 1884.

CHAPTER 283.

AN ACT to declare Indian creek, in Jackson county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Indian creek navigable.

§ 1. That Indian creek, in Jackson county, be, and the same is hereby, declared a navigable stream from its mouth to the mouth of the Birch Lick Fork of the same near the town of McKee.

§ 2. That this act take effect from and after its passage.

Approved March 3, 1884.

CHAPTER 284.

AN ACT to amend section eleven, chapter thirty-one, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 11, chap. 31, page 371, Gen. Stat., amended.

§ 1. That subdivision five of section eleven of chapter thirty-one of the General Statutes be amended by adding to the property allowed to the widow under subdivision five of said section one wagon, and if no such wagon be on hand, that the appraisers set apart to her in lieu thereof money or property not exceeding in value fifty dollars: *Provided*, That said property so set apart to the widow shall not exceed altogether in value seven hundred and fifty dollars.

Approved March 3, 1884.

CHAPTER 295.

AN ACT fixing the times for holding the Meade county courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time for holding the Meade county courts shall hereafter be on the first Mondays of January, February, March, April, May, June, July, September, October, November, and December, and on the second Monday in August.

Meade county courts—terms of.

§ 2. This act to take effect from its passage.

Approved March 4, 1884.

CHAPTER 297.

AN ACT to declare Big creek, in Pike county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Big creek, in Pike county, from the mouth of the Road Fork running up Big creek to the mouth of the Meat-house Fork, and up the Meat-house Fork to James M. May's mill-dam, and up the Road Fork to James M. Benie's, and up Dick's Fork to James F. Lowe's farm, be, and the same is hereby, declared a navigable stream as above stated.

Big creek, navigable.

§ 2. This act shall take effect at its passage.

Approved March 4, 1884.

CHAPTER 313.

AN ACT to declare Beaver creek, in Menifee county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Beaver creek, in Menifee county, be, and the same is hereby, declared a navigable stream from its mouth, where it empties into Licking river, up to the town of Frenchburg.

Beaver creek navigable.

§ 2. This act to be in force from and after its passage.

Approved March 6, 1884.

CHAPTER 323.

AN ACT to amend section nineteen, article two, chapter forty-eight, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 19, art.
2, chap. 48, page
508, Gen. Stat.,
amended.

§ 1. That section nineteen, article two, chapter forty-eight, of the General Statutes, be, and the same is, repealed, and in lieu thereof the following is enacted, viz: Courts of equity in this Commonwealth, on the application by petition of a guardian or his ward, a trustee or his *cestui que trust*, may direct the money of such ward or *cestui que trust* to be invested in real estate or safe interest-bearing bonds of the United States, State of Kentucky, or some county or town of this Commonwealth, whenever it shall be made to appear to the court that such investment will be beneficial to the interests of such ward or *cestui que trust*. The petition shall be verified by the applicant; and, in addition to the fact above-stated, if it propose investment in county, city, or town, bonds, shall show, by reference to title and date of approval, the act or acts by virtue of which such bonds were issued, that they were issued in conformity therewith, and are in law the valid enforceable obligations of such county, city, or town, together with the assessed value of the property thereof, and, if any, the other subsisting funded debts of the same; that the applicant, if he be a guardian or trustee, has no personal interest, directly or indirectly, in procuring the investment. In case the application be to invest in real estate, the petition shall show that the title thereto is good: *Provided*, That the court, if it think proper, may require the allegations of the petition to be established by such evidence as it may prescribe: *Provided*, That such investment shall not relieve any such guardian or trustee, or his sureties, from any responsibility, duty, or diligence now imposed by law.

App oved March 6, 1884.

CHAPTER 327.

AN ACT to amend an act, entitled "An act to establish a regular equity term of the Hardin circuit court," approved February one, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Than an act, entitled "An act to establish a regular equity term of the Hardin circuit court," approved February one, one thousand eight hundred and eighty-two, be, and the same is hereby, amended by striking from the first section thereof the word "second," and inserting in lieu thereof the word "first."

Hardin circuit court.

Approved March 6, 1884.

CHAPTER 350.

AN ACT to amend section thirty-two, title three, chapter one, of the Criminal Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section thirty-two, title three, chapter one, of the Criminal Code of Practice, title "Proceedings for the Arrest of Criminals," be amended so as to read as follows, viz: A magistrate, if satisfied that any public offense has been committed, shall have power to summons before him any persons he may think proper for examination on oath concerning it, to enable him to ascertain the offender, and to issue a warrant for his arrest.

Section 32, page 9, Crim. Code, amended.

§ 2. This act shall take effect from and after its passage.

Approved March 7, 1884.

CHAPTER 354.

AN ACT to make and declare Clark's river a navigable stream in the counties of Marshall and McCracken, and a portion of Graves.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter, in the counties of Marshall and McCracken, and to Lyle's mills, in Graves county, Clark's river

Clark's river navigable.

is made and declared to be a navigable stream: *Provided*, This act shall not apply to or affect any railroad or public road bridge now constructed, or that may be hereafter constructed, over said river.

Penalty. § 2. That any person who shall in any manner, or by any means, obstruct the free use and navigation of said river, shall be punished by fine not exceeding one hundred dollars, in the discretion of the jury or court trying the case.

Jurisdiction. § 3. That justices of the peace in the counties aforesaid, when the obstruction occurs in said county, shall have jurisdiction to try said charge by warrant of arrest.

§ 4. This act to take effect from its passage.

Approved March 8, 1884.

CHAPTER 370.

AN ACT to regulate the jurisdiction of the quarterly court of Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Warren county quarterly court—jurisdiction regulated. § 1. That the quarterly court of Warren county shall have concurrent original jurisdiction, both in law and equity, with the justices of the peace in said county in all civil proceedings; but in all cases in which the amount in controversy, exclusive of interests and costs, does not exceed one hundred dollars in value, the jurisdiction shall not attach except by consent of the defendants, in writing, unless one of them resides in the civil district which embraces the county seat, or all are non-residents of the county.

§ 2. Nothing herein contained shall be construed so as to affect the jurisdiction of said court, as now provided by law, in civil cases involving more than one hundred dollars in value.

§ 3. This act shall be in force from its passage.

Approved March 11, 1884.

CHAPTER 384.

AN ACT to regulate and fix the time of holding the courts of justices of the peace in the Bowling Green district, of Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the court of George B. Payne, a justice of the peace in said Bowling Green district, of the county of Warren, shall be held and have its sessions on the fourth Wednesday in each and every month of the year, instead of quarterly, as heretofore; and the court of O. C. Casson, the remaining justice of the peace in said district, shall be held and have its sessions on the fourth Friday in each and every month of the year, instead of quarterly as heretofore.

Terms of justices' courts in Bowling Green district regulated.

§ 2. This act shall apply to the successors in office of the aforesaid justices of the peace.

§ 3. All laws and parts of laws in conflict with the foregoing act are hereby repealed.

§ 4. This act shall take effect from and after its passage.

Approved March 12, 1884.

CHAPTER 395.

AN ACT to amend an act regulating the taking up of property found adrift upon the Big Sandy river, and make the provisions thereof apply to the Ohio river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act to regulate the taking up of property adrift upon the Big Sandy river, approved February eighteen, one thousand eight hundred and eighty-two, be amended as follows; in the first section of said act the following words shall be inserted: For each one hundred staves fifty cents, and a less or greater number in proportion thereto.

Act of February 1882, amended.

§ 2. This act and the act which is amended hereby shall and are made to apply to property found adrift on the Ohio river, between the mouth of the Big Sandy and the city of Louisville, Kentucky.

Extended to Ohio river.

§ 3. This act shall take effect from its passage.

Approved March 12, 1884.

CHAPTER 398.

AN ACT to direct the Secretary of State to purchase the digest of the decisions of the Court of Appeals of this State prepared by J. Barbour.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Sec'y of State to
purchase digest.

§ 1. That the Secretary of State be, and he is hereby, directed to purchase of the author, for the use of the Commonwealth, six hundred and fifty copies of the Digest of the Decisions of the Court of Appeals of the State prepared by J. Barbour, at the price of (\$10) ten dollars per copy of two volumes.

To be examined
and paid for.

§ 2. That as said books are delivered to the Secretary at his office, he shall examine them, and if they are well bound and in good order, he shall certify to the Auditor of Public Accounts the number delivered; and the Auditor is hereby required, on the presentation of such certificate, to issue his warrant upon the Treasurer for the price of the same, which the Treasurer is directed to pay on presentation at his office: *Provided*, That before the Secretary of State shall accept said books there shall be added thereto by the author, in an appendix, a digest of the decisions of the Court of Appeals up to, and including, eightieth Kentucky reports.

Proviso.

Officers entitled
to.

§ 3. That it shall be the duty of the Secretary of State, when the Acts of the present session of the General Assembly shall be distributed, to cause to be delivered to the following officers each one copy of said Digest, to-wit: To the Governor, one copy; to the Lieutenant Governor, one copy; to the Judges of the Court of Appeals, each one copy; to the Judges of the Superior Court, each one copy; to the Clerk of the Court of Appeals, one copy; to the Attorney General, one copy; to each circuit judge, one copy; to the chancellor of each chancery court in the State, one copy; also to the vice chancellor of the city of Louisville, one copy; to each judge of a criminal court, one copy; to each judge of common pleas courts, one copy; to the judge of each county court, one copy; to each Commonwealth's Attorney, one copy; to each county attorney, one copy; to each circuit court clerk, one copy; to each clerk of a criminal, chancery, or common pleas court, one copy; to the

Auditor of Public Accounts, Register of the Land Office, and Treasurer, each one copy; to the Judge and District Attorney of the United States District Court for the District of Kentucky, each one copy; also the Louisville Law Library, one copy.

§ 4. That each officer who may receive a copy of this Digest, under the provisions of this act, either directly or from his predecessor in office, on his going out of office shall deliver the same to his successor, to be held by him in the same manner that other public books are held.

To be delivered to successor.

§ 5. That the remaining copies shall be deposited in the Public Library, to supply such officers as may not receive one from his predecessor, as prescribed by this act, or to exchange with other States for works of a like character, and for the use of the Court of Appeals.

Library.

§ 6. This act shall take effect from its passage.

Approved March 15, 1884.

CHAPTER 417.

AN ACT to establish a criminal court in the sixteenth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a court of justice in and for the sixteenth judicial district in this Commonwealth, to be known as the "Criminal Court of the Sixteenth Judicial District," to be held by a judge, who shall have the same qualifications as a circuit judge, and who shall receive \$2,400 per annum for his services, to be paid him out of the State Treasury in like manner as circuit judges are paid; he shall, in all criminal and penal cases, have and exercise the same powers as a circuit judge, and in such other cases as may be brought therein as hereinafter provided; he shall have the same powers and jurisdiction in *habeas corpus* cases as a circuit judge, and shall be commissioned and sworn as circuit judges are, and be liable to the same penalties and subject to impeachment and removal for the same causes and in the same manner as circuit judges are under existing laws. Said court shall be a court of record and have a seal.

Criminal court of the 16th judicial district established.

Election—time of § 2. The judge shall be elected on the first Monday of August, 1884, and on the same day every six years thereafter, and vacancies in said office shall be filled in the same manner and for the same term as is now provided by law for filling vacancies in the office of circuit judge: *Provided, however,* The Governor shall appoint a judge to hold said court until one is elected and qualified under the provisions of this act.

Duties of sheriffs and others. § 3. The sheriffs and other ministerial officers of said district shall perform all the duties in prosecutions and proceedings in said court required of them in similar prosecutions and proceedings in the circuit courts, and shall have same fees as for similar services in circuit courts. The circuit court clerks in the several counties shall, by virtue of their offices, be clerks of the criminal court hereby established. Such clerks shall have the same fees as for similar services in the circuit court, and they shall be responsible on their official bonds as such for the faithful discharge of their duties. Said clerks shall, immediately after the passage of this act, without additional fees, transfer from the dockets of the circuit to the dockets of the criminal courts in each county, all criminal and penal cases, to be disposed of in such criminal courts.

Jurisdiction. § 4. The said criminal court shall have jurisdiction of all criminal and penal causes, felonies, and misdemeanors, and proceedings on forfeited recognizances which the circuit courts now have, or which may be conferred on said courts; and said court shall have concurrent jurisdiction with the circuit courts in inquests of lunacy and idiocy, and exclusive of the circuit courts, in allowing claims on the treasury now allowed by the circuit court.

Terms of. § 5. The regular terms of the criminal court in said district shall be held as follows, to-wit:

Martin county. In the county of Martin on the first Mondays in March and September, and continue twelve juridical days.

Lawrence county In the county of Lawrence on the third Mondays of March and September, and continue eighteen juridical days.

Carter county. In the county of Carter on the second Mondays of April and October, and continue eighteen juridical days.

In the county of Pike on the first Mondays of May and November, and continue ~~twelve~~ ^{Pike.} juridical days.

In the county of Floyd on the ~~third~~ Mondays of May and November, and continue eighteen juridical days. ^{Floyd.}

In the county of Magoffin on the Mondays succeeding the Floyd court, and continue six juridical days. ^{Magoffin.}

In the county of Johnson on the Mondays succeeding the Magoffin court, and continue six juridical days. ^{Johnson.}

In the county of Boyd on the Mondays succeeding the Johnson court, and continue eighteen juridical days. ^{Boyd.}

§ 6. The judge of said court may extend the term of any court, if the business so require it, and may call special terms of his courts as circuit judges under existing laws. Appeals may be prosecuted to the Superior Court and Court of Appeals from the judgments and final orders of said criminal court, in like manner and under like restrictions as appeals from the circuit courts are taken and prosecuted. ^{Terms may be extended.}

§ 7. The Commonwealth's Attorney for said district shall attend each term of said court and represent the Commonwealth, and discharge all the duties and be entitled to the same compensation as now provided by law in the circuit courts. ^{Commonwealth's Attorney.}

§ 8. The circuit court in said district, at the term in each county to which this act applies next preceding the time this act takes effect, shall cause jurors to be selected in the manner provided by law for the first term of the criminal court in such county; and a grand and petit jury shall be summoned to each term of said criminal court, and perform the same service, receive the same pay as jurors in the circuit court; and bail bonds and recognizances taken at the term preceding the first term of the criminal court in each county by the circuit court, shall be for the appearance of the party for whose appearance said bond or recognizance is given in the criminal court, instead of the circuit court; and all magistrates and examining courts in each county shall make all bail bonds, bonds to keep the peace, and recognizances returnable to the criminal court of such county after this act takes effect. ^{Circuit court.}
^{Jurors, &c.}

§ 9. Special judges for said criminal court may be elected for the same causes and in the same manner, and shall pos- ^{Special judges.}

sess the same qualifications as special judges of the circuit court, and the provisions of the law in relation to record-books, presses, seals, and other expenses in the circuit courts, shall apply to this court.

Reports by
clerks and others.

§ 10. All reports and returns required to be made to the circuit court in said district by the circuit court clerks, county clerks, county court judges, justices of the peace, sheriffs, marshals, constables, trustees of the jury fund, and all civil officers and other persons having in their hands fines or forfeitures belonging to the jury fund, shall be made exclusively to the criminal court.

§ 11. Nothing in this act shall be so construed as to take from the circuit court the power to make provisions for the payment of jurors of the circuit court and officers of said court, and allowances for the support of lunatics and idiots.

Judges' powers
and duties.

§ 12. The judge of the circuit court of the sixteenth judicial district may hold the criminal court in the absence of the regular judge thereof, in any county in said district, or preside at the trial of any prosecution in said court if the judge of the criminal court is absent or cannot properly preside; and the judge of the criminal court may hold the circuit court of any county in said district in the absence of the circuit judge, or in cases in which the circuit judge cannot properly preside.

Compensation.

§ 13. The law in relation to compensation of a special judge in the circuit court shall apply to special judges of the criminal court in said district.

§ 14. No grand jury shall be summoned in the circuit court of any county in said district to which this act applies, but said courts shall have petit juries.

Attorney for
Commonwealth
pro tem.

§ 15. If, from any cause, the attorney for the Commonwealth for said district shall fail to attend on any of the criminal courts provided for by this act, it shall and may be lawful for the judge presiding in said court at such term to appoint some member of the bar attorney for the Commonwealth *pro tem.*, who shall receive the same fees that the regular attorney for the Commonwealth shall receive, payable to him in the same way.

§ 16. This act shall take effect from and after its passage.

Approved March 17, 1884.

CHAPTER 426.

AN ACT to change the time of holding the Trimble circuit court, and the length of the terms of the Henry circuit court in the seventeenth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter each regular term of the circuit court for Henry county shall continue for twelve (12) juridical days, instead of eighteen days. Term of Henry circuit court.

§ 2. The terms of the circuit court for Trimble county shall begin on the fourth Monday in April and the fourth Monday in October of each year, and each of said terms shall continue six (6) juridical days. Term of Trimble circuit court.

§ 3. All recognizances and process shall be returnable for the terms beginning after the first day of May, 1884, in accordance with the provisions of this act.

§ 4. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

§ 5. This act shall take effect and be in force from and after May 1st, 1884.

Approved March 18, 1884.

CHAPTER 462.

AN ACT to amend an act, entitled "An act establishing an Institution for the Education of the Blind, of Kentucky," approved the fifth of February, one thousand eight hundred and forty-two.

WHEREAS, It is expedient, as well as just, to make adequate and suitable provision for the education of the colored blind children of this Commonwealth; and whereas, by reason of physical infirmity and the helpless condition of the blind of both races, resulting from the loss of sight, a separate provision should be made for each race; and whereas, wise economy and due efficiency require that the education of both races should be under the sole management of the Kentucky Institution for the Education of the Blind; therefore, Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of twenty thousand dollars be, and the same is hereby, appropriated, out of any money in the treas- Appropriation.

ury not otherwise appropriated, to erect a suitable building or buildings for the purpose aforesaid, separate and apart from the premises now occupied by the Kentucky Institution for the Education of the Blind, to be used for, and devoted to the sole and exclusive occupation of the colored blind children of this Commonwealth: *Provided*, That the sum hereby appropriated shall be paid in four equal installments of five thousand dollars each, in the following manner and as hereinafter provided, to-wit: Five thousand dollars when the building or buildings provided for in this section shall be in the process of erection, of which fact the Treasurer shall be duly notified by the said Board of Trustees in writing, signed by the President and Secretary; and five thousand dollars quarterly thereafter, except the last payment, which shall be retained by the Treasurer until the said building or buildings shall have been completed and accepted and received by said Board of Trustees, and said Treasurer is duly notified, as aforesaid, of said fact.

White and black
children.

§ 2. The blind children aforesaid, when such buildings shall have been erected, shall be entitled to receive on equal terms their due proportion, according to numbers, all rights, benefits, and privileges secured to the white blind children of this Commonwealth by the act establishing the Kentucky Institution for the Education of the Blind and all subsequent enactments in relation thereto: *Provided, however*, That the blind children of both races shall be under the same general management and under one and the same superintendent, who, with all other officers of said Institution, shall be elected by, and subject in all respects to the supervision and control of, the Board of Trustees of said Institution, as heretofore provided by law.

§ 3. The Board of Trustees aforesaid are hereby authorized and empowered, if deemed expedient, to purchase additional land to carry into effect the purpose of this act, taking the title thereto to the Commonwealth of Kentucky by deed with general warranty: *Provided, however*, That if any part of the said sum hereby appropriated shall be used for that purpose, a sufficient amount thereof shall be

retained for the erection of the building or buildings aforesaid.

§ 4. This act shall take effect from and after its passage.

Approved March 27, 1884.

CHAPTER 465.

AN ACT to provide for the liberty of conscience.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all persons committed to any State prison, reform school, house of refuge, or other place of confinement in said State, shall be allowed spiritual advice and spiritual ministration from any recognized clergyman of the denomination or church to which such persons so committed or received may respectively belong or have belonged prior to their being so committed or received into such prison, school, house of refuge, or other place of confinement. Such advice and ministration to be given within the prison or reform school, or house of refuge, or other building where the inmates of same are required by law to be confined or imprisoned, in such manner as will secure to such persons the free exercise of their religious belief; and such religious consolation, advice, and ministration shall be allowed separate and apart, and out of the presence and hearing of any person other than the clergyman who is ministering to such inmates and the officer in charge of same. Such clergyman shall have the right, at the time fixed as hereinafter provided, and in all cases of serious sickness for the benefit of those sick, without regard to time, to visit any of said institutions, and to see and communicate freely and untrammelled with such of said sick inmates as belong to the church or society of which he is a clergyman.

Liberty of conscience, provide for.

§ 2. It shall be the duty of the board of trustees, or persons or officers having control and management of said institutions, to set apart not less than one hour on the first day of each week in which any of the clergymen in good standing of any church or denomination may freely minister and impart moral and religious instructions to, and perform such

Duties of managers.

religious service as the law of their respective churches may require, for those of the said inmates who respectively belong to such church or society, or did belong thereto prior to their being committed or confined to such institution, and to provide and furnish to such clergymen on such occasions a room or apartment whereby they may be enabled to freely and properly discharge their duty as such clergymen: *Provided*, That all such religious ministrations shall be given between the hours of eight o'clock in the forenoon and five o'clock in the afternoon, except in special cases, such as sickness, when such ministration may be given at any hour, and on any day; and that the board of officers in charge of said institutions shall designate to each denomination the hours so designated when a clergyman shall commence and impart such ministrations and instructions, and the time they shall occupy, which time shall be in accordance with the rules of such denomination, giving to each denomination an equal amount of time, without partiality or any unjust discrimination whatever.

§ 3. And in all matters pertaining to religion, the rights of conscience, and the free exercise thereof, shall be scrupulously respected and guarded: *Provided*, That nothing herein contained shall be construed to prohibit or limit such freedom of speech among the employes or inmates of said institutions as is permitted by the rules and regulations thereof not in conflict with this act.

§ 4. Nothing herein contained shall be so construed as to authorize any additional expenditure on the part of the State or of any of said institutions.

§ 5. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 6. A willful violation of the provisions of this act shall be a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

§ 7. This act shall take effect from and after its passage.

Approved March 26, 1884.

CHAPTER 468.

AN ACT to declare Hardwick's creek, in Estill county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act, Hardwick's creek, in Estill county, be, and is hereby, declared a navigable stream from its mouth, where it empties into Red river, to the head or source of the same.

Hardwick's
creek navigable.

§ 2. This act shall take effect from and after its passage.

Approved March 26, 1884.

CHAPTER 469.

AN ACT to repeal an act, entitled "An act to amend section seven hundred and ten of the Civil Code of Practice," approved February twenty-first, one thousand eight hundred and eighty-four, so far as the same applies to the county of Bourbon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of an act, entitled "An act to amend section seven hundred and ten (710) of the Civil Code of Practice," approved February twenty-first, one thousand eight hundred and eighty-four, be, and the same are hereby, repealed, so far as the same apply to the county of Bourbon; and the provisions of section seven hundred and ten (710) of the Civil Code of Practice, and the amendment thereto of February twenty-third, one thousand eight hundred and eighty-two, Acts 1881, vol. 1, page twenty-seven, as in force and effect before the passage of the said act of February twenty-first, one thousand eight hundred and eighty-four, are hereby re-enacted and made in full force and effect in the said county of Bourbon.

Act of 1884,
amending section
710 of Civil Code
repealed as to
Bourbon county.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 26, 1884.

CHAPTER 471.

AN ACT to amend section five hundred and ninety one, chapter three, title thirteen, of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 501, page
121, Civil Code,
amended.

§ 1.¹ That section five hundred and ninety-one of chapter three, title thirteen, of the Civil Code of Practice be, and the same is hereby, amended by adding thereto the following: By similar proceedings before an examiner, justice of the peace, or a notary public, depositions may be taken by such officers in this State, to be used in judicial proceedings in other States; and the officer so taking such depositions shall have the same powers in taking the same as judges of the county courts now have; but in cases of contempt and the infliction of punishment for the same, or a failure upon the part of the officer to punish for contempt, then it shall be the duty of the officer, upon the motion of the witness or either party to the suit, to promptly, in writing, report his actions and the reasons therefor to the judge of the county court for the county in which the deposition is being taken; and the court may change, modify, or vacate the order of the officer, and shall render judgment for the fine imposed by the officer or by himself, and he shall, in accordance with the judgment rendered, certify to the officer what further steps shall be taken.

§ 2. This act shall take effect from and after its passage.

Approved March 26, 1884.

CHAPTER 485.

AN ACT to change the time of holding the quarterly court of Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Quarterly court
of Lewis county
—terms cf.

§ 1. That after the first day of April, one thousand eight hundred and eighty-four, the quarterly court of Lewis county shall be held on the second Mondays in February, May,

August, and November of each year, and continue as long as the business of the court may require.

§ 2. This act to be in force from and after its passage.

Approved March 28, 1884.

CHAPTER 499.

AN ACT to legalize the action of the Auditor of Public Accounts in appointing collectors of taxes in Daviess and Nelson counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the action of the Auditor of Public Accounts in appointing collectors of the State revenue for the year one thousand eight hundred and eighty-three, in the county of Daviess, and for the years one thousand eight hundred and eighty-two, and one thousand eight hundred and eighty-three, in the county of Nelson, is hereby legalized and made as binding as though this act had been in effect when said appointments were made; and all acts and steps done and taken by said collectors are hereby legalized.

Appointment of collectors in Daviess and Nelson counties legalized

§ 2. This act shall take effect from its passage.

Approved March 28, 1884.

CHAPTER 501.

AN ACT to declare Grapevine creek a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Grapevine creek, a tributary of the North Fork of the Kentucky river, be, and the same is hereby, declared to be a navigable stream.

Grapevine creek navigable.

§ 2. Any person who shall willfully place any obstruction, or willfully fell any tree, in said Grapevine creek, after the first day of April, one thousand eight hundred and eighty-four, shall be deemed to be guilty of a misdemeanor, and, upon indictment of a grand jury and conviction thereof, shall be fined in any sum not less than twenty-five nor more than one hundred dollars.

§ 3. This act shall be in force from and after its passage.

Approved March 28, 1884.

CHAPTER 505.

AN ACT to amend section four of article three of chapter twenty-seven of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Chap. 27, art.
3, sec. 4, page
273, amended.

§ 1. That section four of article three of chapter twenty-seven of the General Statutes be amended as follows : That so much of said section as provides that incorporated towns that care for and support their paupers be exempt from poll-tax be, and the same is hereby, repealed, as to Webster county.

§ 2. This act to take effect from its passage,

Approved March 28, 1884.

CHAPTER 516.

AN ACT to authorize the judge of the fourteenth judicial district to call a special term of the Greenup circuit court, in which ordinary actions may be heard and determined.

Preamble.

WHEREAS, By reason of the late floods in the Ohio river and its tributaries, the regular February term of the Greenup circuit court for the year one thousand eight hundred and eighty-four could not be held; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Special term of
Greenup circuit
court authorized.

§ 1. That the judge of the fourteenth judicial district of Kentucky is hereby authorized to hold a special term of the circuit court in Greenup county during the months of April or May, or parts of both months, in the year one thousand eight hundred and eighty-four, at which term said court may hear and determine any or all actions in ordinary ready for trial in said court, as well as all other cases which can now by law be disposed of at special terms of such court; and it is hereby made the duty, in the event such a special term is called by said judge, of the clerk of said court to place the cases in ordinary on the docket for such special term. Said term may be called by the said judge of that court in the same manner as special terms are now provided

for by law for the hearing of Commonwealth and equity causes.

§ 2. This act shall take effect and be in force from its passage.

Approved March 28, 1884.

CHAPTER 519.

AN ACT to provide for filling vacancies in the office of State Librarian.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in cases of vacancy in the office of State Librarian by death, resignation, or otherwise, the Governor be; and he is hereby, authorized to fill the vacancy from the time such vacancy shall occur, until the commencement of the term of the successor, should one have been elected, otherwise until the next meeting of the General Assembly. And said vacancy shall be filled by appointment, and by and with the consent of the Senate when such vacancy shall occur during its session.

Librarian vacancies—how filled.

§ 2. This act shall take effect from its passage.

Approved March 29, 1884.

CHAPTER 530.

AN ACT authorizing turnpike, gravel, and plank road companies chartered by special acts of the General Assembly to reorganize and operate their roads under the general incorporation laws of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any turnpike, gravel road, or plank road company chartered by special act of the General Assembly of this State—stockholders representing three-fourths of the capital stock consenting thereto—is hereby vested with the power and authorized to organize and become a body-corporate under the general incorporation laws of this State, and to acquire the road-bed, toll-houses, and other property that was owned by such company before its organization as authorized under this act, and to hold, own, and acquire prop-

Reorganization of turnpike companies under general law authorized.

erty, and use, enjoy, and operate such road and property as may be authorized by the general incorporation laws of this State: *Provided, however,* That the organization of any such company under this act shall not release any lien or debt against such company.

§ 2. This act shall take effect and remain in force from its passage.

Approved April 3, 1884.

CHAPTER 544.

AN ACT to declare the Carr's Fork of the Kentucky river a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Carr's Fork of the Kentucky river, in Letcher and Perry counties, be, and is hereby, declared a navigable stream for all intents and purposes.

Carr's Fork of
Ky. River nav-
igable.

§ 2. This act to take effect from and after its passage.

Approved April 3, 1884.

CHAPTER 546.

AN ACT to repeal an act changing the boundary line between Laurel and Rockcastle counties, approved February twenty-fourth, one thousand eight hundred and seventy-one.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act changing the boundary line between Laurel and Rockcastle counties, approved February twenty-fourth, one thousand eight hundred and seventy-one, be, and the same is hereby, repealed.

Act of 1871, re-
pealed.

§ 2. That this act take effect from its passage.

Approved April 3, 1884.

CHAPTER 554.

AN ACT to declare the North Fork of Licking river a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the North Fork of Licking river, in Rowan and Morgan counties, be, and the same is hereby, declared a navigable stream as far up as Blair's Mills, in Morgan county.

North Fork of
Licking navigable.

§ 2. That this act shall take effect from its passage.

Approved April 3, 1884.

CHAPTER 567.

AN ACT to change the name of the vice chancellor's court at Louisville to the Louisville law and equity court, and to regulate proceedings therein.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The vice chancellor's court held in the city of Louisville shall hereafter be called and known as the Louisville law and equity court, and the vice chancellor of said vice chancellor's court shall be called and known as the judge of said Louisville law and equity court. And, wherever in any act or law the words vice chancellor's court appear, they shall be read as Louisville law and equity court, and wherever in any act or law the words vice chancellor, or vice chancellor of the Louisville chancery court shall appear, they shall be read as judge of the Louisville law and equity court.

Name of vice
chancellor's
court changed.

§ 2. In lieu of the first section of an act, entitled "An act to amend an act to provide for the election and compensation of the vice chancellor," which took effect on the first day of May, one thousand eight hundred and eighty, it is enacted that every third action commenced in equity by filing a petition and issuing summons in the office of the clerk of the Louisville chancery court shall be commenced by filing the said petition and issuing summons thereon in said Louisville law and equity court, in which all proceedings in said action shall be taken; and every third action commenced at common law by filing a petition and issuing summons in the office of the Jefferson court of common pleas,

Proceedings regulated.

shall be commenced by filing said petition and issuing summons thereon in the Louisville law and equity court, in which all proceedings and steps in such action shall be taken. And all proceedings and steps hereafter taken in actions now pending in said vice chancellor's court shall be taken in said Louisville law and equity court.

Election.

§ 3. The present vice chancellor of said vice chancellor's court shall be and remain judge of said Louisville law and equity court until his term of office expires; and on the first Monday in August, in the year one thousand eight hundred and eighty-four, and every sixth year thereafter, a judge of said Louisville law and equity court shall be elected by the qualified voters of Jefferson county, which judge shall hold his office for the term of six years, and have the same qualifications and compensation as the chancellor of the Louisville chancery court. The jurisdiction of said court in equitable actions shall be the same as that of the Louisville chancery court, and in ordinary actions the same as that of the Jefferson

Duties of officers.

son court of common pleas. The officers of the Louisville chancery court, except the judge thereof, shall be *ex officio* officers of, and perform like duties in and for, said Louisville law and equity court on its equity side; and the officers of the Jefferson court of common pleas, except the judge thereof, shall be *ex officio* officers of, and perform like duties in and for, said Louisville law and equity court on its common law side.

§ 4. All laws and parts of laws in force relating to said vice chancellor or said vice chancellor's court, shall continue in force and apply to said Louisville law and equity court, except as herein modified.

§ 5. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 576.

AN ACT to amend section one, article eighteen, chapter twenty eight, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of article eighteen of chapter twenty-eight of the General Statutes be, and the same is hereby, so amended as to read as follows: Each justice of the peace shall hold a court in his district for the trial of civil causes once in every month, on a day to be fixed by the presiding judge of the county court, and continue until the business is disposed of.

Chapter 28, art. 18, sec. 1, page 307, amended.

§ 2. This act shall apply to Pulaski county.

§ 3. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 580.

AN ACT declaring Crab Orchard and Caney Fork creeks navigable streams.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Crab Orchard creek, in Webster county, is hereby declared a navigable stream from its mouth up to the bridge on the Dixon and Morganfield road, near Atlas Chandler's, also Caney Fork creek, a branch of the same creek, from its mouth to the bridge on the Claysville and Petersburg road, near the George Nall old farm.

Crab Orchard and Caney Fork creeks navigable.

§ 2. That any person hereafter in any way obstructing said creeks by cutting and falling timber into them, so as to obstruct the navigation of said creeks, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding fifty dollars for each offense, to be recovered by any court of competent jurisdiction, to be applied and paid into the common school fund of said county: *Provided*, That nothing in this act shall be so construed as to prevent persons owning land on said creeks from putting in water-gates to protect their crops from stock running at large; nor shall this act affect any permanent improvements at this time existing on said creeks.

§ 3. This act shall take effect from its passage.

Approved April 4, 1884.

LAWS OF KENTUCKY.

CHAPTER 588.

AN ACT to change the time of holding the circuit courts in Edmonson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Edmonson circuit courts—time of changed.

§ 1. That the time of holding the circuit courts in the county of Edmonson, as now fixed by law, be, and the same is hereby, changed to the second Monday in July in each year, in place of the second Monday in June, as is now fixed by law, and that all processes returnable to said terms of said courts, as now fixed by law, be, and the same is, by this act, made returnable to the terms of said court as fixed by this act.

§ 2. All laws in conflict with this act are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 594

AN ACT to change the time of holding the quarterly and county courts and court of claims of Calloway county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Quarterly courts and court of claims of Calloway county changed.

§ 1. That hereafter the quarterly courts of Calloway county shall commence on Tuesdays after the second Monday in March, June, September, and December.

§ 2. That the court of claims of said county shall commence on Tuesday after the second Monday in October.

§ 3. That the county court of said county shall be held on the fourth Monday in each month.

§ 4. That all acts and parts of acts in conflict with this act are hereby repealed.

§ 5. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 600.

AN ACT to repeal so much of chapters one, two, and three, of title eighteen of an act, entitled "An act regulating practice in civil cases," as relates to and requires the assignment of errors and cross-errors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of chapters one, two, and three, of title eighteen, of an act, entitled "An act regulating practice in civil cases," as relates to and requires the assignment of errors and cross-errors by parties prosecuting appeals or cross-appeals, be, and the same is hereby, repealed.

Assignment of errors—act requiring repealed.

§ 2. This act shall be in force from its passage.

Approved April 4, 1884.

CHAPTER 607.

AN ACT to make the second Monday in April, one thousand eight hundred and eighty-four, a regular term of the Butler county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second Monday in April, one thousand eight hundred and eighty-four, shall be a regular term of the Butler county court.

Butler county court—terms of.

§ 2. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 614.

AN ACT declaring Deer, East Fork of Deer, and Knoblick creeks navigable streams.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Deer creek, in Webster county, is hereby declared a navigable stream from the mouth of said creek to where it crosses the Dixon and Slaughtersville road; also the East Fork of said creek from its mouth to the Hopkins county line; also Knoblick creek from its mouth to the bridge on the road leading from Dixon to Petersburg.

Deer creek navigable.

Penalty for obstructing.

§ 2. That any person hereafter in any way obstructing said creeks by cutting and falling timber into them, so as to obstruct the navigation of said creeks, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding fifty dollars for each offense, to be recovered by any court of competent jurisdiction, to be applied and paid into the common school fund of said county: *Provided*, That nothing in this act shall be so construed as to prevent persons owning land on said creek from putting in water-gates to protect their crops from stock running at large; nor shall this act affect any permanent improvement at this time existing on said creeks.

§ 3. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 628.

AN ACT to change the time of holding the June term of the Nelson county quarterly court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Nelson quarterly court—terms of.

§ 1. Hereafter the June term of the Nelson county quarterly court shall be held commencing on the third Monday in the month of June in each year, instead of the first Monday in said month, as now provided by law.

§ 2. All writs, subpoenas, or other process issued before the passage of this act, and made returnable to the term commencing on the first Monday in June, shall be returnable to and triable at said term, commencing on the third Monday in June, as provided for by this act.

§ 3. All laws in conflict with this act are hereby repealed.

§ 4. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 645.

AN ACT to amend section six, article thirteen, chapter thirty-eight, General Statutes, title "Executions."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section six, article thirteen, chapter thirty-eight, title "Executions," be amended by striking out and repealing the following words: "suitable for the purpose," and inserting the following words after the words "growing crop," to-wit: "or any crop on hand."

Chapter 38, art. 13, sec. 6, page 431, Gen. Stat., amended.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 665.

AN ACT to declare Christy Fork of Triplett, in Rowan county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Christy Fork of Triplett, in Rowan county, be, and is hereby, declared a navigable stream from its mouth as far up as the residence of T. W. Sanford.

Christy Fork of Triplett navigable.

§ 2. This act shall take effect from and after its passage.

Approved April 8, 1884.

CHAPTER 667.

AN ACT to amend an act, entitled "An act to amend section two, article one, chapter fifty-five, General Statutes."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of said act be amended as follows: That if any cattle shall enter into any grounds used, controlled, or owned by another person, without the consent of the person having the use, control, or ownership thereof, the owner of such cattle (or live stock) shall be liable to the person having the use, control, or ownership of said land

Act amending chap. 55, art. 1, sec. 2, General Stat., amended.

for any damage he or they may sustain by reason of such entry or trespass that may be committed by such cattle (or live stock), said damage to be recovered by suit in any of the courts of this Commonwealth, held in the county where said trespass is committed, having jurisdiction of the amount sued for.

Penalty—how recovered.

§ 2. That all persons who own cattle (or live stock) in the county of Gallatin, or who may suffer such cattle (or live stock) to come into said county and run at large, shall be guilty of a misdemeanor, and may be fined in the sum of fifty cents per day for each hog, one dollar per day for each horse, jack or jennet, cow, steer, bull, or mule, twenty-five cents per day for each sheep or goat, permitted to run at large by the owner or controller of said stock. Said fine may be recovered by an action in the name of the Commonwealth of Kentucky against the party thus offending, as other fines are now recovered for misdemeanors before the courts of this Commonwealth having jurisdiction of the amount to be assessed, and *capias* may issue therefor.

For school purposes.

§ 3. The fines assessed under the provisions of this act shall be collected and paid over to the school commissioner of Gallatin county, who shall appropriate the same for common school purposes in the county of Gallatin, in the same manner as other common school moneys are appropriated for common school purposes, and he shall account for the same to the county judge of said county by a report, showing the amount collected by him and how he has disbursed the same, which report he shall make annually to said county judge.

§ 4. The officers that are now by law authorized to collect fines for misdemeanors shall be authorized to collect the fines assessed under the provisions of this act, and they shall be responsible on their official bonds for the collection and payment of the fines to the school commissioners; the latter shall be responsible on his official bond for the proper disbursement of said money.

§ 5. This act to apply to Gallatin county only, and to take effect thirty days from and after its passage.

Approved April 8, 1884.

CHAPTER 679.

AN ACT to amend section four, article five, chapter five, General Statutes, title "Attorneys."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter five, article five, section four, of the General Statutes, be amended by adding thereto the following words: "*Provided, however,* That on all sums paid after the institution of proceedings and the issuing of notice or process, he shall be entitled to said two per centum, and the same shall be entered as costs in the final judgment."

Chapter 5, art. 5, sec. 4, page 153, Gen. Stat., amended.

§ 2. This act to take effect from and after its passage.

Approved April 8, 1884.

CHAPTER 719.

AN ACT to prohibit the circulation of immoral literature.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell, or offer for sale, or to print or publish, or to bring into this State for the purpose of selling, giving away, or otherwise disposing of, or to circulate, or aid in circulating in any way, any paper, book, or periodical, the chief feature or characteristics of which is to record the commission of crimes, to display, by cuts or illustrations, crimes committed, the actors, pictures of criminals, desperadoes, fugitives from justice, and cuts or illustrations of men and women in improper dress, lewd and unbecoming positions, or men and women influenced by liquors, drugs, or stimulants.

Circulation immoral literature prohibited.

§ 2. That any person guilty of a violation of this act shall be fined not less than twenty-five and not more than two hundred dollars.

Penalty.

§ 3. That it shall be the duty of the judges of the circuit courts and courts having criminal jurisdiction to give this act in charge to the grand jury.

Duty of courts.

§ 4. This act shall take effect in sixty days after its passage.

Approved April 10, 1884.

CHAPTER 765.

AN ACT to establish a common law and equity term of the Bourbon circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Common law and equity term of Bourbon circuit court provided for.

§ 1. That in addition to the regular terms of the Bourbon circuit court now prescribed by law, there is hereby established a special common law and equity term of said court, which shall be held at the court-house in said county on the first Monday in August in this year, and continue for twelve juridical days.

§ 2. Process and warning orders may be issued and made in common law and equity cases to said term hereby established.

§ 3. No steps shall be taken at said term in any criminal or penal proceeding.

§ 4. This act shall take effect and be in force from and after its passage.

Approved April 15, 1884.

CHAPTER 782.

AN ACT to amend section five of article thirteen of chapter thirty-eight of the General Statutes, entitled "Executions."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Chapter 38, art. 23, sec. 5, Gen. Stat., page 431, amended.

§ 1. That section five of article thirteen of chapter thirty-eight of the General Statutes of Kentucky, entitled "Executions," be, and the same is hereby, amended by inserting after the word "execution," and before the word "unless," in the second line of said section, the following words, to-wit: "Attachment or any other legal or equitable proceedings whatever, except attachments for rent, or to secure a mortgage or statutory lien."

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 15, 1884.

CHAPTER 803.

AN ACT to amend chapter sixty-nine of the General Statutes, in regard to the Library.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That on the second Mondays in January and September of each year, the clerk of the Court of Appeals shall report and pay over to the Auditor all moneys received by him as taxes on appeals, and the amounts so paid over shall be forever set apart as an additional fund for the gradual increase of the law library, to be expended under the direction of the judges of the Court of Appeals.

Chapter 69, page 617, Gen. Stat., amended.

§ 2. In addition to the volumes of the Decisions of the Court of Appeals now required by law to be delivered to the Librarian, there shall be turned over to him, as soon as the same are published, one copy for each State in the United States, which shall be kept by him for distribution under the next succeeding section.

§ 3. It shall be the duty of the Librarian, by correspondence, to arrange with the proper official of each State of the United States for the exchange of the published decisions of their courts of last resort; and whenever such exchange is agreed upon, the Librarian shall send to such officer one copy of each of the published Decisions of the Court of Appeals of Kentucky so soon as the same are ready for distribution; and if the published decisions of the courts of last resort of those States are not promptly sent to the Librarian as fast as issued, it shall be his duty to write for the same. The Librarian shall keep a record of all books sent to and received from other States under this section, which record shall be for the use of the Court of Appeals in directing purchases.

Duty Librarian.

§ 4. There shall be placed in the Executive Offices for the use of the Governor and Secretary of State, of future publications, two copies of the Acts of the General Assembly, two copies of the Journal of the General Assembly, and two copies of each volume of the Decisions of the Court of Appeals. The Librarian shall take possession of and re-

Laws furnished, &c.

move all books now in said offices, except such as the Governor and Secretary of State may designate as necessary for their use; and hereafter, whenever the published statutes or decisions of other States are sent to said officers, it shall be their duty to turn the same over to the Librarian.

Who entitled to
books.

§ 5. The Librarian shall not permit any one to take the books out of the Library, except the members of the General Assembly during the session of the Legislature, the Judges of the Court of Appeals and the Superior Court, the Attorney General, the Governor, and other State officials; but attorneys-at-law shall be allowed to take the books to the rooms of the Court of Appeals and Superior Court to be used in the argument of suits there pending. He shall keep a record, in which he shall charge each book to the person taking it from the Library, and he shall see that it is returned at the proper time. If any of the persons named in this section shall fail to return any of the books taken from the Library, he shall be responsible to the Librarian for the value thereof.

To be turned
over to successor.

§ 6. Each Librarian shall turn over to his successor separate inventories of all the books that were in the Library at the commencement of his term, and all that were placed in the Library during his term; and each Librarian shall receipt to his predecessor for all books in the Library at the time he takes charge thereof, and shall be responsible upon his official bond for the value of all books lost from the Library during his term of office.

§ 7. All laws inconsistent with the provisions of this act are hereby repealed.

§ 8. This act shall take effect from its passage.

Approved April 15, 1884.

CHAPTER 806.

AN ACT to change the time of holding the Lawrence circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the terms of the circuit court for the county of Lawrence shall be held and continue the number of judicial days, as follows: Commencing on the first (1st) Mondays of June and December, and continue twenty-four (24) days.

Lawrence circuit court—terms of.

§ 2. This act shall take effect from its passage.

Approved April 15, 1884.

CHAPTER 828.

AN ACT giving further time to clerks, ex-clerks, sheriffs, and ex-sheriffs, and other collecting officers of the State, to collect their fees and uncollected taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the several circuit and county court clerks and ex-clerks, sheriffs and ex-sheriffs, and other collecting officers of this State, shall have, and they are hereby granted, the further time of two years, from and after the tenth day of May next, to collect their fees and uncollected taxes, with the same powers of distraint as they have by existing laws; and each of them shall be under the same penalties and liabilities as are now imposed by law for the collection of illegal fees and taxes: *Provided*, That this act shall not apply to any fees or taxes that have been due over five years.

Clerks, sheriffs, &c.—further time given to collect, &c.

§ 2. This act shall take effect from its passage.

Approved April 17, 1884.

CHAPTER 838.

AN ACT to authorize the Auditor to make sale of, or compromise with, the city of Columbus in regard to lots sold for taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the Auditor of the State of Kentucky to make contracts with the city of Columbus,

Auditor authorized to compromise, &c.

in Hickman county, in regard to the redemption of lots in said city sold for taxes due the State, and which the State has the title to by reason of the failure of the owners to redeem by law, and that he is hereby authorized to receive a less sum than the whole amount of taxes due the Commonwealth on each and every lot that the city may, by agreement with said Auditor, purchase, and that the Auditor is authorized, and it shall be his duty, to give to said city of Columbus a deed for all lots so purchased, together with the number of said lot or lots purchased as aforesaid by deed, and that, should the purchase embrace more than one lot, then all the lots so purchased shall be embraced in one deed, conveying such interest in the same as the State of Kentucky has by virtue of the sale made by the State for taxes, and that, when said deed is made, to have the force and effect of a quitclaim deed to said city for said lot or lots, and a relinquishment by the State of all claim or right to said lot or lots so purchased by reason of the State lien on same for taxes up to the date of said purchase; and that the city of Columbus shall have the power, by ordinance, to appoint some person for and on behalf of said city to make said contract with the Auditor of Public Accounts, subject to the ratification and approval of the city council of Columbus; and when said purchase, as aforesaid, shall be approved, that the city shall issue warrants, payable to said Auditor, as aforesaid, for the sum of money so agreed upon for the purchase of said lots in said city, and the deed shall be taken to and in the name of the city of Columbus, and that said deed shall operate to confer upon said city of Columbus the right to sell, convey, or otherwise dispose of said lot or lots so purchased, the same as the State of Kentucky has by virtue of the sale by the State for taxes.

§ 2. This act to take effect from and after its passage.

Approved April 17, 1884.

CHAPTER 852.

AN ACT to increase the jurisdiction of the quarterly courts of Ohio and Pulaski counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the quarterly courts of Ohio and Pulaski counties shall have jurisdiction concurrent with the circuit courts of said counties of all civil actions and proceedings for the recovery of money or personal property, where the matter in controversy, exclusive of interest and cost, does not exceed four hundred dollars: *Provided, however,* That this act shall not apply to actions involving the title to real estate.

Quarterly court of Ohio and Pulaski counties — jurisdiction regulated.

§ 2 This act shall take effect from and after its passage.

Approved April 30, 1884.

CHAPTER 864.

AN ACT to amend an act, entitled "An act for the incorporation and regulation of fire, marine, health, accident, live stock, and all other except life insurance companies," approved March twelfth, one thousand eight hundred and seventy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section six (6) of an act, entitled "An act for the incorporation and regulation of fire, marine, health, accident, live stock, and all other except life insurance companies," be so amended as to read as follows: It shall be lawful for any insurance company organized under this act, or incorporated under any general or special law of this Commonwealth, to invest its capital and the funds accumulated in the course of its business, or any part thereof, in bonds and mortgages, lien notes, or deeds of trust on unencumbered real estate within the State of Kentucky worth fifty per cent. more than the sum loaned thereon, exclusive of buildings, unless such buildings are insured and the policy transferred to said company and continued in force so long as the loan continues; and also in the bonds of this State, or of any other State of the United States, or in the bonds of the United States; and also in the bonds of any county,

Insurance act of March, 1870, amended.

or incorporated city, town, or railroad company in this State, authorized to be issued by the Legislature; and also in the stocks of incorporated banks of this State, and of national banks of this State or of adjacent States, or stocks of other corporations of this State which have, for two years previous to the time of making the investment, paid interest or dividends of not less than six per cent. per annum, and shall have a market value not more than ten per cent. below par, and to lend the same, or any part thereof, on the security of such bonds and stocks, or of bonds and mortgages and deeds of trust as aforesaid, and to change and reinvest the same as occasion may, from time to time, require: *Provided always*, That the current market value of such bonds and stocks, or other evidences of indebtedness, excepting United States Government securities, shall be at all times during the continuance of such loans at least twenty-five per cent. more than the sum loaned thereon: *And provided*, That in all investments made upon mortgage securities, the evidence of the debt and the value of the property shall accompany the mortgage: *And provided further*, That no insurance company shall own more than one fourth of the capital of any one bank or corporation, nor invest in nor loan on the stocks and bonds, both included, of any one railroad company more than one tenth of its own capital and accumulated funds, nor in the aggregate shall the investment in, and loan on, all railroad property exceed one fifth of its capital and accumulated funds, nor shall the loans on mortgage of real estate, exclusive of lien notes, exceed one half of the capital and accumulated funds of any company organized under the laws of this Commonwealth. Insurance companies chartered by this State and now doing business shall not be compelled to change any investment heretofore legally made.

§ 2. That section thirty-eight (38) of said act be amended so as to read as follows: That hereafter every company, association, or partnership transacting any business of insurance within this Commonwealth, organized under or by authority of any other State or country, shall, on the thirtieth of June and thirty-first of December in each year, report under oath to the Auditor of Public Accounts, said

reports to be filed in the office of the Insurance Commissioner, the total amount of all premiums received within the six months next preceding, or since the last returns were made, and shall give the name and location of, and the amount of premiums received by, each agent, and the losses paid at each agency, and shall, at the same time, pay into the Treasury of this State a tax of two dollars and fifty cents upon each one hundred dollars of the said premiums so ascertained.

§ 3. This act to take effect and be in force from and after its passage.

Approved April 19, 1884.

CHAPTER 865.

AN ACT to amend an act, entitled "An act for the incorporation and regulation of fire, marine, health, accident, live stock, and all other except life insurance companies," approved March twelfth, one thousand eight hundred and seventy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section eight (8) of an act, entitled "An act for the incorporation and regulation of fire, marine, health, accident, live stock, and all other except life insurance companies," approved March twelfth, one thousand eight hundred and seventy, be so amended as to read as follows: It shall be lawful for any company organized under this act, first, to insure houses, buildings, and all other kinds of property, against loss or damage by fire, lightning, or storm in or out of the State, and to make all kinds of insurance on goods, merchandise, and other property in course of transportation, whether on land or water, or on any vessel or boat wherever the same may be; second, to make any of the following kinds of insurance: first, upon the health of persons, or against injury, disablement, or death of persons resulting from traveling or general accidents by land or water; second, to guarantee the fidelity of persons holding places of trust; third, upon the lives of horses, cattle, or other live stock; fourth, upon plate-glass against breakage;

Insurance—sec.
8 of act of 1870,
amended.

fifth, upon steam boilers against explosion and against loss or damage to property resulting therefrom; sixth, against loss by burglary or theft, or both, and to cause itself to be insured against any loss or risk it may have incurred in the course of its business, and upon the interest which it may have in any property by means of any loan or loans which it may have made on mortgage, and generally to do and perform all other matters and things proper to promote these objects: *Provided*, That no company organized under this act for the purposes named in the first clause thereof shall undertake either of the risks mentioned in the second clause, and no company organized under this act for either of the purposes mentioned in the second clause shall undertake any business mentioned in the first clause; nor shall any company be organized to undertake or do more than one of the several kinds of insurance mentioned in said second clause, except as hereafter provided; and no company organized under this act shall undertake any business or risk not provided for herein: *Provided further, however*, That no company shall undertake to do more than one of the several kinds of insurance named in the second clause of this section, unless said company shall first have on deposit with the Treasurer of this State, or with the Insurance Commissioner, or chief financial officer of some other State of the United States, the sum of one hundred thousand dollars, and an additional sum of fifty thousand dollars for each additional kind of insurance herein named that said company shall undertake in this State, and invested as is now required by law; and any company doing more than one kind of business as herein provided shall be required to make a separate report and sworn statement for each kind of business done, such as is now required of companies doing but one kind of business in this State under this act; and no company organized under this act, or transacting business in this State, shall expose itself to loss on any one risk or hazard to an amount exceeding ten per cent. on its paid-up capital, unless the excess shall be reinsured by the same in some good and reliable company.

§ 2. That section twenty-four (24) of said act be amended by adding thereto after the words "one hundred and fifty thousand dollars of actual capital paid-up," the words "or shall have on deposit, if organized under the laws of any other State of the United States, one hundred thousand dollars for the benefit of all its policy-holders in the United States, which deposit shall be made with the Treasurer of this State, or with the Insurance Commissioner, or chief financial officer of the State where said company is organized."

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 19, 1884.

CHAPTER 866.

AN ACT to amend an act, entitled "An act for the incorporation and regulation of life insurance companies," approved March twelfth, one thousand eight hundred and seventy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section thirty-nine of an act, entitled "An act for the incorporation and regulation of life insurance companies," approved March twelfth, one thousand eight hundred and seventy, be amended by striking out the words "May and November" and inserting in lieu thereof the words "January and July."

Section 39, act of 1870, amended.

§ 2. That section forty-one of said act be amended by striking out the words "June and December," and inserting in lieu thereof the words "February and August;" and by striking out the words "April and October," and inserting in lieu thereof the words "June and December;" and to add thereto after the words "last preceding" the words "or since the last returns were made."

Sec. 41, amended.

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 19, 1884.

CHAPTER 871.

AN ACT in relation to corporations and associations organized under other authority than the laws of this State, for the purpose of furnishing life indemnity or insurance upon the assessment plan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Life assurance on
assessment plan,
regulated.

§ 1. It shall not be lawful for any corporation or association organized under other authority than the laws of this State, for the purpose of furnishing life indemnity or insurance upon the assessment plan, by its agents, to do any business in this State, or for any person to act within this State as agent in soliciting, procuring, receiving, or transmitting any application for membership or insurance, in or for, or on behalf of any such corporation or association, unless such corporation or association shall be authorized to do business in this State, and such agent licensed by the Insurance Commissioner as hereinafter provided.

Foreign life in-
surance compa-
nies.

§ 2. Any corporation or association organized under the laws of any other State of the United States, for the purpose of furnishing life indemnity or insurance upon the assessment plan, or that is carrying on the business of life insurance upon the assessment plan, shall receive from the Insurance Commissioner of this State a certificate that it has complied with the provisions of this act, and is authorized to do business in this State whenever such corporation or association shall deposit with him a certified copy of its charter or articles of incorporation, a copy of its statement of business for the year ending the thirty-first day of the next preceding December, sworn to by the president and secretary or like officers thereof, setting forth the number and amount of certificates of membership or policies in force, and a detailed account of its expenditures, income, assets, and liabilities, and also a certificate sworn to by the president and secretary, or like officers thereof, setting forth that it has paid, and has the ability to pay, its certificates or policies to the full limit named therein; that its certificates or policies are payable only to beneficiaries having a legal insurable interest in the life of the member or insured; that an ordinary assessment upon its members is sufficient to pay

Certificate from
commissioner.

its maximum certificate of membership or policy theretofore issued, if any, or thereafter to be issued to residents of this State, to the full amount or limit named therein; a certificate from the Insurance Commissioner, or other like officer charged with the duty of executing or enforcing the execution of the insurance laws of its home State, certifying that it is legally entitled to do business in its home State; a copy of the application for membership or insurance, and of each form thereof, if more than one form is used; a copy of the form of certificate of membership or policy, and of each form thereof, if more than one form is used; a copy of the constitution and by-laws, and of each and every edition thereof, which must show that all indemnities to beneficiaries are in the main provided for by assessments upon all surviving members: *Provided, however,* That the certificate of authority herein authorized may be withheld from any such corporation or association whenever it may appear, to the satisfaction of the Insurance Commissioner, that the affairs and business of such corporation or association is in an unsound condition, or its business not carried on within the limits and restrictions of its organic law, or that any of the terms, conditions, or by-laws have been or are being violated, or that said corporation or association shall refuse to permit a full examination of its affairs to be made when deemed necessary by the Insurance Commissioner.

Certificate may be withheld.

§ 3. No such corporation or association mentioned in the preceding sections shall transact any business in this State by an agent unless it shall first file with the Insurance Commissioner a written instrument or power of attorney, duly signed, sealed, and acknowledged, authorizing any and every agent that is or may be acting for such corporation or association in this State, to acknowledge service of process for and on behalf thereof; and also authorizing some person who is a resident of this State, to be named in such instrument or power of attorney, to act as attorney for such corporation or association in this State, to acknowledge service of process for and on behalf thereof; and also consenting in said instrument or power of attorney that service of process on any such agent or such attorney shall be taken and

Duties and condition.

Service of process.

held to be as valid as if served upon such corporation or association according to the laws of this or any other State; and, in case any such corporation or association shall cease to transact business in this State, any person who acts as such agent, and the last person who acts as such attorney, shall be considered and held as continuing to be such agent and such attorney for such corporation or association for the purpose of process as aforesaid, in any action against such corporation or association, upon any certificate of membership or policy or liability issued or contracted during the time such corporation or association transacted business in this State: *Provided*, That if such attorney shall die, be removed, or resign, or cease to be a resident of this State, it shall be the duty of such corporation or association in like manner to appoint and designate another person, a resident of this State, to act as such attorney, within thirty days after being notified by the Insurance Commissioner of the vacancy in said office. Service of process upon any such agent or attorney, wherever found in this State, shall be sufficient to give jurisdiction to the proper court of the county where the cause of action may have arisen, or of the county of the residence of the deceased member or insured, when the action shall be upon any certificate of membership or policy. It shall be the duty of the clerk of the court in which any action may be brought against any such corporation or association, at the commencement of such action, to place in the post-office a copy of the summons or other process which may be issued in such action, directed to the attorney of the corporation or association who may be designated as above set forth, at his place of residence, postage paid; and such clerk shall make a note or memorandum thereof on the papers of the action, and tax the costs, postage included, as other costs of the action. Such notification by the clerk shall not affect the time of the trial of the action, and it shall be the duty of the Insurance Commissioner, in each of his reports, to designate the name and residence of the attorney then acting for each of such corporations or associations doing business in this State: *Provided*, That if any such corporation or association shall, without the consent

of the other parties to any action or proceeding against it, brought or to be brought in any of the courts of this Commonwealth, remove the action or proceeding into any Federal court, or if such company shall hereafter institute any suit, action, or proceeding against any citizen of this Commonwealth in any Federal Court, it shall be the duty of the Insurance Commissioner forthwith to revoke all authority to such corporation or association, and all its agents, to do business in this Commonwealth, and to publish such revocation in some newspaper published in this Commonwealth.

Commissioner
may revoke.

§ 4. After authorizing such corporation or association to do business in this State, as provided in this act, the Insurance Commissioner shall issue licenses to agents thereof, to be designated by the corporation or association, or a general agent thereof, authorizing them to act as such agents for the term of one year; but such licenses must be renewed annually.

License to agents

§ 5. The Insurance Commissioner shall have authority to examine into the condition, affairs, and management of any corporation or association doing business in this State under the provisions of this act, and the necessary expenditure of any such examination made, or ordered to be made by said Commissioner under this act, shall be certified to by him and paid by the corporation or association so examined. And if, upon any such examination or otherwise, the Insurance Commissioner shall, at any time, ascertain that an ordinary assessment upon the members of any such corporation or association will not be sufficient to pay its maximum certificate of membership to the full limit named therein, or that it is conducting its business fraudulently, or that it is not carrying out its contracts with its members in good faith, he shall have power, and it shall be his duty, forthwith to revoke all authority to such corporation or association, and all its agents, to do business in this Commonwealth, and to publish such revocation in some newspaper published in this Commonwealth.

Commissioner to
examine, &c.

§ 6. The Insurance Commissioner is hereby authorized and empowered to address any inquiries he may deem proper to any corporation or association which may be authorized to do business in this State under the provisions

May address in-
quiries.

of this act, in relation to its doings or condition, or any matter connected with its transactions; and it shall be the duty of the officers of such corporation or association so addressed to promptly reply, in writing, to all such inquiries under the oath of its president and secretary, or other like officers; and in case of a failure or refusal of such officers to so reply, the Insurance Commissioner may suspend or revoke all authority to such corporation or association, and all its agents, to do business in this Commonwealth.

§ 7. Whoever solicits, procures, or receives in, or transmits from, this State any application, other than his own, for membership or insurance in any corporation or association embraced by the first section of this act, shall be deemed and held to be an agent of such corporation or association within the meaning of this act.

§ 8. Any person who shall transact any business for any corporation or association embraced by the first section of this act, as an agent thereof, within the meaning of this act, without first procuring and having a license from the Insurance Commissioner to act as such agent, or after such license has been suspended or revoked, shall be deemed and held to be guilty of a misdemeanor, and shall be subject to arrest, and, upon conviction for such offense, shall be fined not less than fifty dollars nor more than one hundred dollars for each offense, and shall be imprisoned until such fine shall be paid or replevied; and jurisdiction is hereby given and conferred upon justices of the peace, police, city and county court judges, for the trial of said misdemeanor and the enforcement of the penalty imposed by this section.

§ 9. Every corporation or association which may be doing business in this State under the provisions of this act shall, on or before the first day of March in each year after it commences to do business in this State, make and file with the Insurance Commissioner of this State a report of its affairs and operations during the year ending the thirty-first day of December next preceding. Such annual reports shall be made upon blank forms to be provided and furnished by the Insurance Commissioner, and shall be verified under the oath of the president and secretary or other like

officers, and shall be published, or the substance thereof, in his annual report by the Insurance Commissioner.

§ 10. There shall be paid to the Insurance Commissioner by each corporation or association which may be authorized to do business in this State, under the provisions of this act, the following fees, to-wit: for filing charter or articles of incorporation, &c., when certificate of authority shall be first issued, and all licenses issued during the ensuing year, a fee of two hundred dollars; for filing annual report, and issuing licenses each year thereafter, a fee of two hundred dollars; said fee to be in full of fees for filing annual statement, licenses to agents, and for certificate of compliance or authority. In addition to the above fees, every such corporation or association shall, on or before the first day of March in each year, report, under oath of its president and secretary, or other like officers, to the Insurance Commissioner the gross amount received in this State on new business done in this State by such corporation or association during the year ending the thirty-first day of December next preceding, or since the last returns were so made, and shall, at the same time, pay into the Treasury of this State a tax of one dollar upon each one hundred dollars of such gross amount so received. Said fees and taxes shall be in full and in lieu of all other State, county, town, and city licenses, taxes, and fees: *Provided, however,* That if such corporation or association should, at any time, be the owner of any real or personal property situated in this State, such property shall not be exempt from taxation by reason of the provisions of this section. Fees.

§ 11. If such corporation or association shall, at any time, fail or refuse to make the annual report, or to pay the tax on the gross amount received in this State as herein above provided, the Insurance Commissioner shall forthwith suspend or revoke all authority to such corporation or association, and all its agents, to do business in this State, and shall publish such revocation in some newspaper published in this State, and may proceed to collect whatever sum of money may be due or owing on account of such tax, by Commission may suspend.

suit or action in the name of the Commonwealth of Kentucky against such corporation or association.

Fraternal and secret societies.

§ 12. Nothing in this act contained shall apply to, or be construed to require any fraternal or secret or industrial societies, by whatever name known, now doing business in this State, to make or file reports with the Insurance Commissioner, or to prevent the same from doing business in this State, when the money, benefit, charity, relief, or aid is payable by the grand or supreme body of the same, and is derived from assessments upon subordinate lodges, councils, or other bodies or their members, nor to apply to or affect the Independent Order of Odd Fellows, Free and Accepted Masons, Knights of Honor, Knights of Pythias, or Royal Arcanum.

§ 13. This act shall take effect from its passage.

Approved April 19, 1884.

CHAPTER 873.

AN ACT to amend an act, entitled "An act providing compensation for circuit court clerks in Commonwealth cases," approved April nineteen, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Act of 1882,
amended.

§ 1. That an act, entitled "An act providing compensation for circuit court clerks in Commonwealth cases," approved April nineteen, one thousand eight hundred and eighty-two, be, and the same is, amended as follows: That there be added to the first section of said act the words, "but this proviso shall not apply to the Jefferson circuit court clerk."

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 19, 1884.

CHAPTER 877.

AN ACT for the continuation of the Geological Survey and Bureau of Immigration.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That for the continuation of the Geological, Topographical, and Agricultural Surveys of the State and the Bureau of Immigration, now under the direction of the State Geologist, there is hereby appropriated, from any moneys in the Treasury not otherwise appropriated, as follows :

Geological survey continued.

For the further Geological investigations of the State, including the salaries of the State Geologist and his Geological assistants and their field expenses, six thousand eight hundred dollars per annum.

For the continuation of the Topographical Survey, and the work on the State map, three thousand six hundred dollars per annum.

For the continuation of the Chemical Analyses of soils, clays, coal, iron ores, and other substances collected by Geological Survey, and the practical testing of coal, coke, clays, etc., one thousand dollars per annum.

For the office expenses of the Survey, and for the collection and preservation of specimens for the State cabinet, seven hundred dollars.

For the expenses of the Bureau of Immigration, the pay of assistants and agents and their necessary traveling expenses, and for the carrying out of the objects of the Bureau of Immigration as hereinafter provided for, five thousand dollars per annum.

§ 2. That the money not required for any of the purposes specified above, may be used for the other specified purposes : *Provided, however,* That no greater amount shall be used for the Bureau of Immigration than the amount appropriated for said Bureau.

§ 3. That the maps, reports, and publications of the Survey shall be stereotyped, printed, and distributed as follows : One copy each shall be given to each member of the State Government, and to each member of the General Assembly

Maps, reports, &c., &c., to be stereotyped.

in office at the time of publication; one to each clerk's office of the several county courts, to be filed and retained therein for the information of the citizens of said county; five copies to each officer of the Survey engaged in the preparation thereof; and the remainder of the first edition, which shall not exceed five hundred copies, shall be distributed to the various public libraries and to persons in this and other countries, in a manner most likely to diffuse a knowledge of the resources of the State, and to aid in the development of its industries. That additional editions may be ordered by the Governor of this Commonwealth, and a sufficient number shall be placed on sale at a price sufficient to cover the cost of printing, binding, and distributing said editions. This latter provision shall also govern the publication and distribution of memoirs of a purely scientific nature.

Governor to appoint State Geologist and Commissioner of Immigration.

§ 4. That the Governor shall, at this and each regular meeting of the General Assembly, appoint a State Geologist, by and with the advice and consent of the Senate, for the term of two years, or until his successor is appointed and qualified, who shall reside at Frankfort, and be there at all times when not engaged in the necessary Surveys, and who shall also be a Commissioner of Immigration; and the said State Geologist shall be required to keep an account of all moneys paid out of his department in a book kept for that purpose, which shall be at all times open to inspection of the members of the General Assembly and other State officials. Said Commissioner shall supervise the office work of the Survey, and, in addition thereto, he shall collect, compile, publish, and circulate, in such manner and by such agencies, and in such places as he may deem proper and advisable, in the United States and in foreign countries, pamphlets and other publications descriptive of the resources and advantages of this State, and such other facts and information having a tendency to attract and promote immigration; and otherwise use his discretion in the furtherance of immigration, and the bringing of skilled labor and capital into the State. He shall also collect and disseminate such information as, in his judgment, will best aid in the founding of industries to utilize and manufacture within the State the raw products of the

Duties of

State. That the reports and publications of said Commissioner, when approved by the Governor, shall be printed by the Public Printer, at the same charges and upon the same terms as similar work is done for the State.

§ 5. Said Commissioner of Immigration shall keep in his office a record of lands for sale, lease, or colonization, which record shall be kept accessible to all persons inquiring for such information as it may contain; and no fee shall be allowed for entry or recording of same, nor shall any fee or commissions be charged by said Bureau on any lands so recorded which may be sold to immigrants. Records, &c.

§ 6. Neither said State Geologist nor his assistants shall have, either directly or indirectly, any interest in any real estate agency, mineral rights, or land sales whatever, nor in any other speculation developed in the exercise of their official duties.

§ 7. That this act shall be in force from and after its passage, and shall repeal all acts and parts of acts in conflict with its provisions; but the foregoing appropriations shall only be for two years.

Approved April 19, 1884.

CHAPTER 900.

AN ACT authorizing the purchase of, and providing the payment for the portrait of Simon Kenton to the artist, Miss Tip Sanders.

WHEREAS, There now hangs upon the wall of the Senate Chamber, in the Capitol of the State of Kentucky, a portrait of Simon Kenton, one of the pioneers of the State, painted in oil from an original by the artist Jouett, of the distinguished soldier and adventurer, by one of Kentucky's accomplished lady artists, Miss Tip Sanders, who was born and reared and educated in the county of Adair, and now resides in the city of Louisville, where she is prosecuting her profession with much honor to herself and credit to her native State; and whereas, she wishes to dispose of this elegant work of art, and is naturally anxious that it become the property of Kentucky, at the small price of one hundred dollars; and the General Assembly now in session being anx- Preamble.

ious to own and control the portrait of one whose memory is loved and cherished by the people whom they represent, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Auditor to draw
warrant, &c.

§ 1. That the Auditor of the State be, and he is hereby, directed to draw his warrant for one hundred dollars upon the Treasurer of the State of Kentucky, who shall pay same out of any money not otherwise appropriated, in favor of Miss Tip Sanders, in payment for the above described portrait of Simon Kenton, and that the title to said portrait is hereby vested in the State of Kentucky.

§ 2. This act to be in force from its passage.

Approved April 21, 1884.

CHAPTER 952.

AN ACT to grant the consent of the State of Kentucky to the acquisition by the United States of certain lands bordering on Rough river in said State, for the purpose of constructing canals or erecting thereon dams, abutments, locks, lock-keepers' dwellings, offices, and all necessary structures for the construction and maintenance of slack-water navigation on said river, and ceding jurisdiction over the same, and for imposing fines and penalties for willful injuries to the grounds, buildings, and appurtenances acquired under the provisions of this act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Rough river
ceded to United
States

§ 1. That whenever the United States shall make an appropriation, and shall be about to begin the improvement of Rough river within the State of Kentucky, by means of locks and permanent or movable dam or dams with adjustable chutes, or by means of a canal, or any suitable structure to procure an easy and safe passage of boats, then the consent of the State of Kentucky is hereby given to the acquisition by the United States, by purchase or by condemnation, of any lands, buildings, or other property necessary for the purpose of erecting thereon dams, abutments, locks, lock-keepers' dwellings, chutes, and other necessary structures for the construction and maintenance of slack-water navigation on said river, or for the purpose of constructing canals on

the same; and the said United States shall have, hold, use, and occupy the said land or lands, buildings, or other property, when purchased or acquired, as provided for by this act, and shall exercise jurisdiction and control over the same.

§ 2. *Be it further enacted,* That in case of failure of the United States to agree with the owners of any such lands as the United States may deem necessary for the purposes named in the first section of this act, it shall be lawful for the United States to apply for the condemnation of such land by petition to any judge of a court of record in or nearest to the county where the land may be situated, either in term time or in vacation, notice of the time and place of such application having been first duly given by publication for thirty days prior to the day of such application in some newspaper of general circulation published in the county where the land lies, or if the owner or owners reside in the State of Kentucky, by personal service upon the owner or owners of such land at least twenty days prior to such application; and thereupon it shall be lawful for such judge to appoint three disinterested freeholders of the county where such land lies as commissioners, and having been first duly sworn to well and duly appraise the damages due the owner or owners of said land proposed to be taken, shall report in writing to the said judge the amount of damages to be paid to the owner or owners of such land, which report, upon confirmation by said judge, shall be held as final and binding upon said owner or owners of said land; and upon the amount of such damages being paid to the owner or owners of said land, the title of such land shall vest in the United States, and said land shall be exempt from all taxes and assessments so long as it shall remain the property of the United States.

Land may be
condemned.

§ 3. *And be it further enacted,* That if any person or persons shall willfully or maliciously injure any of the lands, buildings, or other property acquired or held under the provisions of this act, such person or persons shall be liable to a fine of not less than twenty dollars, and to an imprisonment not exceeding six months, or both or either, at the dis-

Penalty for injur-
ing, &c.

cretion of the court, said offense to be prosecuted in any court of competent jurisdiction.

§ 4. This act shall take effect from and after its passage.

Approved April 22, 1884.

CHAPTER 969.

AN ACT to amend the act establishing a criminal court in the twelfth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Salary of judge.

§ 1. That the salary of the judge of said criminal court of the twelfth judicial district be, and is hereby, fixed at the same amount paid a judge of the circuit court.

§ 2. This act shall be in force from and after the first day of September, one thousand eight hundred and eighty-four.

Approved April 22, 1884.

CHAPTER 970.

AN ACT to amend the revenue laws.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporations to list with assessor

§ 1. That hereafter all corporations in this Commonwealth, except railroad and turnpike companies, shall, in the manner provided by article twelve, chapter ninety-two, of the General Statutes, list their property with the assessor of the county in which the corporate property is situated.

Penalty for failure to report.

§ 2. Any president, treasurer, secretary, mayor, agent, or other person failing or refusing to report, under oath, to the assessor of his county, a full and complete statement of all property owned, possessed, held, or represented by the company, city, or association represented by him, on or before the tenth day of February of each year, shall be fined a sum not less than two hundred nor more than five hundred dollars, to be recorded by motion after ten days' notice in the circuit court of the county.

§ 3. Upon the failure or refusal of any corporation, by its proper officer, to comply with the provisions hereof, it

shall be the duty of the assessor to list the property of said corporation for taxation at its fair cash value, and it shall be the duty of the sheriff to collect said taxes as now provided by law with reference to other taxes. Duty of assessor.

§ 4. Sections twenty-three and twenty-four, of article eight, of chapter ninety-two, of the General Statutes, are hereby made applicable to all cases where any corporations may have heretofore failed, for any year or years, to list its property with the Auditor as now required, or may hereafter fail to list its property with the assessor as herein provided. Sections 23 and 24, of article 8, chapter 92, Gen. Stat., applicable.

§ 5. This act shall not apply to any tax payable by any corporation on its capital stock, but only to cases where an ad valorem tax is levied, nor shall it in anywise be deemed as a repeal or modification of section ten, of article twelve, of chapter ninety-two, of the General Statutes. Not a repeal of section 10.

§ 6. All laws and parts of laws inconsistent herewith are hereby repealed.

§ 7. This act shall take effect and be in force from and after its passage.

Approved April 22, 1884.

CHAPTER 977.

AN ACT to declare Johnson's Fork of Licking river a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Johnson's Fork of Licking river, in Magoffin county, be, and the same is hereby, declared a navigable stream from its mouth to the Morgan county line, on the State Road Fork of said creek, and to Alfred Crase's Mill on the Wheelrim Fork, and to the land of the late G. W. Keeton on the Williams or Left-hand Fork. Johnson's Fork of Licking river navigable.

§ 2. This act to take effect from its passage.

Approved April 22, 1884.

CHAPTER 979.

AN ACT to authorize trustees appointed by courts of other States where the *cestui que trust* resides to collect, receive, and remove to such place of residence any personal estate of the *cestui que trust*.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Trustees — powers of.

§ 1. Where any person is the beneficial owner of any personal estate that has to be held and controlled for the benefit of said person, or his or her children or heirs, by a trustee, and said person is a non-resident of this State, and has no trustee in this State, his or her trustee, appointed and qualified according to the laws of the place where said person resides, may collect, receive, and remove to such place of residence any personal estate of such person or *cestui que trust* being in this State.

Courts may appoint.

§ 2. Upon application by petition in a summary way, any circuit or chancery court in this State having jurisdiction to appoint a trustee for said non-resident person or *cestui que trust* may authorize such foreign trustee to sue for, recover, and so remove any such personal estate of said non-resident *cestui que trust*, or to otherwise act as a trustee appointed in this State.

Must be satisfied from documentary evidence.

§ 3. But the court in this State shall not grant said petition, or authorize said collection or removal, unless it is satisfied, by documentary evidence, that such foreign trustee has, where he qualified, given bond, with good and sufficient surety, to account for all the estate of such non-resident *cestui que trust* that might come to his hands; nor unless the court is satisfied that neither said non-resident *cestui que trust*, nor any person having a present, future, or contingent interest in the said personal estate, will be prejudiced by the order.

§ 4. This act shall take effect from its passage.

Approved April 22, 1884.

CHAPTER 984.

AN ACT to provide for funding the State debt now owing to the banks

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor, Auditor, and Treasurer be, and they are hereby, authorized to fund the debt of five hundred thousand dollars now owing by the State to the banks, for which amount they may issue bonds of such duration, and bearing such a rate of interest, not exceeding five per cent., as may be found to be to the best interests of the State.

State debt may be funded.

§ 2. This act to take effect from and after its passage.

Approved April 22, 1884.

CHAPTER 986.

AN ACT to amend an act, entitled "An act to re-establish the Institution for the Education and Training of Feeble minded Children."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section fourteen of the above entitled act shall be amended by striking out the words commencing with and in the second line and ending with the word years in the fourth line, and by adding the words and superintendent after the word board in the fifth line, and by striking out from the word or in the eighth line to the word expired in the ninth line.

Institution for Feeble-minded Children — act amended.

§ 2. That all acts or parts of acts in conflict with the provisions of this act shall be, and the same are hereby, repealed.

§ 3. This act shall take effect from its passage.

Approved April 22, 1884.

CHAPTER 1006.

AN ACT to provide ways and means for the removal of the remains of Joel T. Hart from Florence, Italy, to the cemetery in Frankfort, Kentucky.

WHEREAS, Joel T. Hart, a native of Clark county, Kentucky, by dint of his own indomitable will and commanding

Joel T. Hart—preamble.

talents, raised himself from obscurity to national and world-wide prominence, and achieved for himself a position second to none other that America or the world ever produced in the grand art of sculpture, and thereby added imperishable renown to his native State; and whereas, he died and was buried in a foreign land, and although his name will ever live and grow brighter with the coming years in the annals of his chosen art, yet his grave is unmarked and unhonored on a foreign shore; and whereas, it is the duty of the State, and Kentucky is ever ready, willing, and anxious to recognize the efforts of her sons in all the walks of life to reflect glory and renown no less upon them than upon the State of their nativity; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor be, and he is hereby, fully vested with authority and power to appoint some suitable person or persons, whose duty it shall be to proceed to Florence, Italy, or where the remains of said Joel T. Hart, deceased, are buried, and procure said remains, and have the same properly encased and prepared, and brought to Frankfort, Kentucky, where they shall be interred in the lot set apart by the State for the burial of her illustrious dead. Said person or persons so appointed shall have full and ample power to receive all orders or commissions from the Federal Government, or its official agents, necessary in the premises to procure the remains of said Hart from the authorities of Italy, or any city, town, country, village, or municipality thereof. Said person or persons so appointed are hereby given full power and authority to do all acts necessary to be done in procuring the remains of said Hart and bringing the same to Frankfort, Kentucky. Said person or persons so appointed shall be allowed all necessary expenses in traveling to and from Italy to Frankfort, Kentucky, including all necessary expenses in disinterring, encasing, removing, and reinterring the remains of said Joel T. Hart. Said person or persons so appointed shall certify on oath all the costs incurred in carrying out the objects of this resolution to the Auditor of Public Accounts, who shall draw his war-

Remains to be removed to Frankfort.

rant upon the Treasurer in favor of said person or persons so appointed by the Governor, for the full amount so certified by him, and the Treasurer shall pay the warrant out of any money not otherwise before appropriated: *Provided*, The same shall not exceed the sum of twelve hundred dollars.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 22, 1884.

CHAPTER 1007.

AN ACT to amend section six of article thirteen, chapter thirty-eight, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section six of article thirteen, chapter thirty-eight, of the General Statutes, be, and the same is hereby, amended so as to read as follows, to-wit: The following property shall be exempt from execution, attachment, distress, or fee-bill, against a *bona fide* housekeeper with a family, resident with this Commonwealth, viz: two work beasts or one work-beast and one yoke of oxen, or in lieu of each work-beast or yoke of oxen, if not on hand, other personal property to the value of seventy-five dollars; two plows and gear, or in lieu of each, if not on hand, other personal property to the value of seven dollars and fifty cents; one wagon and set of gear, or cart or dray; if not on hand, other personal property to the value of fifty dollars; two axes, three hoes, one spade, one shovel; two cows and calves; if not on hand, other personal property to the value of twenty-five dollars in lieu of each cow or cow and calf (beds, bedding, and furniture for each, sufficient for family use; one loom and spinning wheel and pair of cards; all the spun yarn and manufactured cloth manufactured by the family necessary for family use; carpeting for all family rooms in use; one cooking stove and all cooking utensils; all the table-ware and cutlery on hand for family use; one table; all books, not to exceed fifty dollars in value; two saddles and their appendages; two bridles; six chairs, or so many as shall

Chap. 38, art
13, sec. 6, page
431, Gen. Stat.,
amended.

not exceed eight dollars in value; one cradle; all the poultry on hand; ten head of sheep, or, if not on hand, other personal property not to exceed two dollars and fifty cents in value for each sheep; all wearing apparel; sufficient provisions, including breadstuff and animal food, to sustain the family one year; if not on hand, other personal property or growing crop, not to exceed fifty dollars in value for each member of the family; provender suitable for live stock; if not on hand, other personal property, not to exceed seventy dollars in value; all washing apparatus, not to exceed fifty dollars in value; one bureau; one wardrobe; one washstand; one gun, not to exceed fifty dollars in value; all arms, ammunition, and equipments of a militiaman; one sewing machine, and all family portraits and pictures.

§ 2. This act shall not take effect until the first day of June, one thousand eight hundred and eighty-four, nor shall its provisions apply as against any debt contracted before that date; but for debts contracted before that date the present exemption law shall apply.

Approved April 22, 1884.

CHAPTER 1008.

AN ACT to amend an act, entitled "An act to create a court of common pleas in the counties of Fayette, Bourbon, Bath, Madison, Woodford, and Scott," approved sixth February, one thousand eight hundred and seventy-four, and to repeal an act approved third March, one thousand eight hundred and eighty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. That an act, entitled "An act to amend an act to create a court of common pleas in the counties of Fayette, Bourbon, Bath, Madison, Woodford, and Scott," and approved March third, one thousand eight hundred and eighty, be, and the same is hereby, repealed, and the county of Bath is again added to the first section of said act approved February sixth, one thousand eight hundred and seventy-four.

§ 2. The regular terms of said court in the county of Bath shall be held on the third Monday in May, and on the first

Act of 1874
amended, and
act 1888 repealed

Regular terms.

Monday in November, and continue twelve juridical days if the business requires it.

§ 3. It shall be the duty of the Bath circuit court, at the close of its August term, one thousand eight hundred and eighty-four, to make an order transferring to the court of common pleas one-half of the common law and equity causes left undisposed of in said circuit court; and the causes thus transferred shall be entered upon the docket of said common pleas court, and tried as if originally brought therein.

Cases to be transferred.

§ 4. This act shall take effect on the first July, one thousand eight hundred and eighty-four.

Approved April 24, 1884.

CHAPTER 1020.

AN ACT to provide for recording certain settlements and reports made by commissioners and receivers of the chancery, common pleas, and circuit courts of this State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter, when the court may so direct, settlements of the accounts of personal representatives, trustees, guardians, or other fiduciary, made before a commissioner of any chancery, common pleas, or circuit court of this State, and reported by such commissioner, and all reports of estates or funds received or disbursed, under order of the court, by its receiver, after the same shall have been confirmed by the court, shall be recorded by the clerk of such court in a book to be provided for that purpose.

Reports of trustees, &c., to be recorded.

§ 2. The vouchers accompanying such settlements or reports shall not be recorded.

Vouchers.

§ 3. The clerk of such court shall be entitled to the same fees allowed by law to clerks of the county courts for similar services.

Fees.

§ 4. The commissioner or receiver of the court making such settlement or report shall allow, and state on the face thereof, the amount of fees that will be due to the clerk for recording.

Commissioner to allow and report fees.

§ 5. This act shall take effect from its passage.

Approved April 25, 1884.

CHAPTER 1031.

AN ACT to empower the Commissioners of the Sinking Fund to repair the State's bridge over the Rolling Fork, in Marion county, near New Market

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Rolling Fork
bridge to be re-
paired by Com-
missioners of
Sinking Fund.

§ 1. That the Commissioners of the Sinking Fund are hereby empowered and directed to repair the State's bridge over the Rolling Fork near Market, in Marion county, but shall not expend exceeding three thousand dollars for said purpose.

§ 2. This act shall be in force from its passage.

Approved April 29, 1884.

CHAPTER 1034.

AN ACT for the benefit of the Kentucky Institution for the Instruction of Deaf Mutes.

Preamble.

WHEREAS, It appears from the report of the Commissioners of the Kentucky Institution for the Instruction of Deaf Mutes that the number of pupils in said school has so increased that the annual appropriation for salaries, repairs, and improvements has become entirely inadequate for the purposes named; and whereas, it is not only desirable that the present efficiency of the school should be maintained, but also that its Board of Commissioners should be provided with funds sufficient to secure more thorough training of the pupils in the mechanical and other departments; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Appropriation
\$3,000 per an-
num.

§ 1. That an additional appropriation of (\$3,000) three thousand dollars per annum is hereby made for the support of said institution, the same to be drawn quarterly by warrant of the President and Secretary of its Board of Commissioners on the Auditor, to be paid out of the State Treasury.

§ 2 This act shall take effect and be in force from and after its passage.

Approved April 28, 1884.

CHAPTER 1048.

AN ACT amendatory of and supplemental to chapter twenty-five; General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. When, in the opinion of the coroner, it shall be necessary to have a post-mortem examination of a dead person during an inquest, besides a competent surgeon and physician, mentioned in chapter twenty-five of the general Statutes, and if the judge of the circuit court shall so order, upon the affidavits of said coroner and other persons filed before such circuit court, to the effect that they, the said coroner and other persons so giving their affidavits believe, or have reason to believe, that it is necessary, in order to ascertain the cause of death, that a chemical analysis should be made of the contents of the stomach of such dead person, or a chemical analysis of any part of the body of such dead person, the said coroner may employ a competent analytical chemist for the purpose of analyzing the stomach, its contents, or any part of the body of said deceased person, and for the purposes of discovering the nature and effect of any drug, medicine, chemical preparation, or any other substance proved to have been given to or taken by said person before death. The court of claims of the county in which said dead person is found, and in which said services may be rendered, shall allow the chemist a reasonable sum therefor, not to exceed thirty dollars, *Provided, however*, That if the chemist herein mentioned is employed, the competent surgeon and physician mentioned in this section shall not be employed: *And provided further*, That if said analysis is made upon a dead person found in the city of Louisville, the general council and mayor of said city shall allow a reasonable sum therefor, not to exceed thirty dollars.

Chap. 25, Gen. Stat., page 263, amended, title "Coroners."

Coroner to employ chemist to analyze stomach, &c.

How paid.

§ 2. When the coroner is in the county, and at his office or place of business, and not otherwise engaged, and able to attend to his duties as coroner, no magistrate or other person shall hold any inquest mentioned in this act or in said chapter twenty-five of the General Statutes; but should the coroner be absent from his office, place of business, or

When coroner absent.

otherwise engaged, or unable to attend to his duties as such coroner, then the person now authorized to hold inquests, or magistrate most convenient, may hold such inquest.

§ 3. In holding inquests, the coroner shall not require a jury, except in cases of homicide, or where death is caused by the negligence of another person or persons, company or corporation.

§ 4. Witnesses who are summoned, and who attend before a coroner's jury, shall be paid fifty cents for each day they attend.

§ 5. For each inquest held by the coroner or magistrate as herein provided, said coroner or magistrate so holding and conducting said inquest shall be paid the sum of nine (\$9) dollars in the manner herein provided.

§ 6. This act shall only apply to the county of Jefferson and city of Louisville, and the county of Kenton and city of Covington.

§ 7. None of the fees and expenses contemplated in this act shall be paid out of the State Treasury.

§ 8. This act shall take effect from and after its passage.

Approved April 28, 1884.

CHAPTER 1066.

AN ACT to amend article three, chapter five, of the General Statutes, title "Attorneys," and to extend and enlarge the duties of county attorneys thereunder.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter, in addition to the duties now enjoined by law on county attorneys, it is hereby made the duty of the several county attorneys of this Commonwealth to attend each circuit or criminal court holden in their respective counties, and to assist the Commonwealth's Attorney, or the attorney appointed in his place, as provided for in section three, article four, of said chapter, in all prosecutions in said courts for violations of the criminal or penal laws of this State.

County attorneys
—chap. 5, art. 3,
page 150, amend-
ed

§ 2. That for such services the county attorneys shall, in addition to the compensation now allowed them by law, receive fifteen per centum of all judgments in favor of the Commonwealth for fines or forfeitures recovered or imposed in said prosecutions: *Provided*, Said county attorney attends and assists in said prosecution, but in no other event; and said per centum shall be in lieu of all taxed fees and perquisites of said county attorney, except that where, upon a verdict of a jury, a judgment shall be rendered for less than twenty-five dollars, in which case there shall be a fee of five dollars taxed as costs, and which shall belong to him; but it shall in no case be lawful for said county attorney to receive any portion of his per centum of any judgment in favor of the Commonwealth until the whole of said judgment has been collected, or, if only a part shall be collected, he shall receive only his pro rata on the amount collected, unless the Commonwealth's portion of said judgment shall be remitted by the Governor. The said county attorney is authorized to have witnesses summoned before the grand jury by subpoenas issued by the clerk of the court in vacation, and the clerk of the court shall issue subpoenas upon the request of the county attorney for any day of the term of the court at which the grand jury are in session.

Fees of county attorneys.

§ 3. That all of section nine of article three of said chapter, after the word "event," in the sixth line, be, and the same is hereby, stricken out, and the following is inserted in lieu thereof, viz: "And said per cent. shall be in lieu of all taxed fees and perquisites of said county attorney, except that, where a judgment shall be rendered for less than ten dollars, there shall be a fee of two dollars and fifty cents taxed as costs, and which shall belong to him; but it shall in no case be lawful for the county attorney to receive any portion of his per centum of any judgment in favor of the Commonwealth until the whole of said judgment has been collected, or, if only a part shall be collected, he shall receive only his pro rata on the amount collected, unless the Commonwealth's portion of said judgment shall be remitted by the Governor."

Payable only when judgment collected.

§ 4. That section twelve, article three, of said chapter, be, and the same is hereby, repealed.

Sec. 12, art. 3,
repealed.

§ 5. This act shall not diminish, nor in any way affect, the per centum, fees, or compensation to which Commonwealth's Attorneys are now entitled, or to which they would have been entitled but for this enactment, and they shall receive the same per centum, fees, or compensation in every respect as heretofore.

Compensation of
Commonwealth's
Attorneys to re-
main the same.

§ 6. This act shall not be construed to empower county attorneys to dismiss or otherwise control any prosecution or proceeding in the circuit or criminal courts, except by the advice and with the assent of the Commonwealth's Attorney for the district, or attorney appointed in his place, as provided for in said chapter.

County att'neys
no power to con-
trol prosecutions.

§ 7. This act shall not apply to the county of Jefferson.

§ 8. This act shall take effect from and after its passage, and shall apply to prosecutions and proceedings now pending.

Approved April 28, 1884.

CHAPTER 1067.

AN ACT to provide for the building of a Branch Penitentiary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor shall appoint, by and with the advice and consent of the Senate, three suitable persons, who shall act as a board of building commissioners for the erection of a Branch Penitentiary or State Reformatory at or near Eddyville, in Lyon county, and during their term of service they shall receive no compensation, but shall be paid their traveling and other official expenses, on filing a statement thereof with the Auditor, who shall draw his warrant on the Treasurer therefor in their favor.

Branch Peniten-
tiary Building
—Commissioners
to be appointed.

§ 2. Said building commissioners are hereby authorized and empowered to obtain by purchase a site for said reformatory, with sufficient ground attached thereto for gardening purposes and for raising live stock and other food supplies needed in the conduct of said prison, and will use their own

To purchase site.

discretion as to amount, not, however, to exceed a cost of (\$4,000.) four thousand dollars for the entire amount of land so obtained. The deeds for said land shall be duly executed to the Commonwealth of Kentucky, recorded in the clerk's office of the Lyon county court, and delivered to the Auditor, whereupon he shall draw his warrant on the Treasurer for the amount of the cost of said land, who shall pay to the person or persons from whom said land was purchased the sum agreed to be paid therefor.

§ 3. Said commissioners, in locating said prison, will have due regard for the health of prisoners, for accessibility by rail and river, and for proximity to such materials as may be needed for manufacturing purposes.

§ 4. Said building commissioners shall be charged with the general superintendence of the grounds, and the design and construction of the buildings, with power to appoint an architect, a superintendent, and other necessary agents and assistants; but no plan of building shall be adopted until approved by at least two of said board, and by the Governor and Auditor of Public Accounts. The buildings shall have a capacity of not less than four hundred cells, and shall be so arranged that it may be enlarged as necessity may hereafter require, and the buildings and cells shall be so constructed as to admit of a classification of prisoners. All plans and specifications for heating, ventilating, and draining said buildings and grounds may be by said board submitted to the inspection and examination of the State Board of Health, and it is hereby made the duty of said board to give all proper advice and assistance to the said commissioners in regard to these and all other sanitary questions which may arise in the course of said work.

Duty of, as to design and construction.

§ 5. Said building commissioners, before they enter upon the discharge of the duties of their office, shall take an oath to faithfully discharge the duties imposed on them herein, and execute a bond to the Commonwealth in the penal sum of ten thousand dollars each, with two or more sureties, to be approved by the Auditor and filed with him, and conditioned for the faithful performance of the duties required of them by this act.

To take oath and give bond.

To report, &c. § 6. It shall be the duty of said commissioners to make a report to the Auditor of all moneys received and expended by them by virtue of this act, with vouchers for same, and of the progress made by them in the erection and inclosure of said buildings on or before the first day of January, one thousand eight hundred and eighty-five, and as often thereafter as may be required by the Governor.

Board of managers to be appointed. § 7. When said prison shall be completed, said building commissioners shall make a certificate thereof, which they shall lodge with the Governor, who shall thereupon appoint, by and with the advice and consent of the Senate, if in session, and if not, to act until it convenes, three persons, who shall act as a board of managers of said Branch Penitentiary, and as such are constituted a body-corporate, with power to contract and be contracted with, sue and be sued, and who shall have no compensation other than their traveling and other official expenses, to be paid as in the case of said building commissioners. During the first term, said managers shall be so designated by the Governor as to hold office for two, four, and six years, respectively. Their successors shall each hold office for a period of six years. Vacancies in said board shall be filled by appointment of the Governor.

Commissioners to retain control until managers are appointed. § 8. Said building commissioners authorized to be appointed by the first section of this act shall retain general superintendence and control of said prison until said board of managers is appointed, who shall then take charge, and the term of said commissioners will then expire.

Duty of board of managers. § 9. Said board of managers shall, when appointed as aforesaid, have general charge and superintendence of said prison, and provide machinery and other equipments for same, and shall appoint a warden, physician, chaplain, steward, and clerk, who shall each receive a reasonable salary, to be fixed by said managers and approved by the Governor, until the next General Assembly shall take action thereon, and shall have power to remove for cause either of them, on written charges, and after an opportunity for hearing. The clerk shall act as secretary of the board of managers. All other officers shall be appointed by the warden, and removable at pleasure. The Governor may remove any

of said managers for misconduct or neglect of duty, after an opportunity to be heard on written charges. Said board of managers may adopt rules and regulations for the government and discipline of said penitentiary, and for the management of its affairs.

§ 10. Said board of managers shall receive into said prison, and hold therein as sentenced, all male criminals under thirty years of age, and not known to have been previously sentenced in this or any other State or country, who shall be legally sentenced to said prison on conviction of any criminal offense in any court having jurisdiction thereof; and any such court may, in its discretion, sentence to said prison any such male person convicted of a crime punishable by imprisonment in a State prison, under thirty years of age, as aforesaid.

Class to be received.

§ 11. The discipline to be observed in said prison shall be reformatory in its tendency, and the said managers shall have power to use such means of reformation, consistent with the improvement of the inmates, as they may deem expedient. Agricultural labor or mechanical industry shall be chief elements in any plan adopted for the reformation of said criminals. If the contract system of labor be adopted by said board of managers, supplies shall be furnished to said prison by the State, and the contractors shall have no control of the inmates except during working hours, and then only under the supervision of the warden, and inside the walls of the penitentiary.

Discipline.

§ 12. When said board of managers take charge of said prison after its completion as aforesaid, so many of the youngest of the inmates of the present State Penitentiary at Frankfort as it may, in the discretion of said board and the Governor, be desirable to receive into said Branch Prison, shall be removed thither at the expense of the State, and under such guards as may be provided by the Governor, to be paid for on the statement of the Governor, filed with the Auditor, who shall thereupon draw his warrant on the Treasurer for same.

Removal of prisoners.

§ 13. Said commissioners authorized by the first section of this act shall draw from the Penitentiary at Frankfort

Convict labor.

such prisoners as may be required to build said Branch Penitentiary, and may adopt rules and regulations for their management and discipline whilst engaged at work on same. But may employ free labor to do such work as is required to be done, that cannot be performed by convict labor.

\$150,000 appro-
priated.

§ 14. That for the purpose of procuring a site for said Branch Penitentiary, and paying the cost of building and erecting same, the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, to be paid out of the State Treasury, and the Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasury for said amount in such sums and at such times during the building of said Branch Penitentiary as the building commissioners may recommend, not to exceed in the aggregate the said sum of one hundred and fifty thousand dollars.

§ 15. This act to take effect and be in force from its passage.

Approved April 28, 1884.

CHAPTER 1076.

AN ACT to regulate the criminal jurisdiction of circuit, justices', police, and county courts in Webster county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Webster county
—jurisdiction of
courts regulated.

§ 1. That the criminal jurisdiction of circuit courts, justices' courts, police courts, and county courts of Webster county shall hereafter be as provided in subsections three, four, five, and six of section thirteen, title two, of the Criminal Code of Practice.

§ 2. All laws inconsistent with this act are hereby repealed, and this act to take effect from its passage.

Approved April 25, 1884.

CHAPTER 1087.

AN ACT to amend an act, entitled "An act to amend section two of chapter fifty-five of the General Statutes," approved April fifteenth, one thousand eight hundred and eighty two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to amend section two of chapter fifty-five of the General Statutes, approved April fifteenth, one thousand eight hundred and eighty-two, be amended as follows: The words "an ordinary," in the third and fourth lines of section one, be stricken out, and the words "a lawful" be substituted therein.

Act of 1882 amended.

§ 2. This act shall take effect from its passage.

Approved April 25, 1884.

CHAPTER 1096.

AN ACT to fix the time of holding the circuit courts of Taylor county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the circuit courts of Taylor county shall be held at the court-house in said county, beginning the first Monday in January, and continue eighteen days; and fourth Monday in June, and continue eighteen days; and second Monday in October, and continue six days.

Circuit courts of Taylor county — terms of.

§ 2. All acts and parts of [acts] in conflict with this act are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved April 25, 1884.

CHAPTER 1123.

AN ACT for the benefit of the Kentucky Institution for the Education and Training of Feeble-minded Children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of making necessary improvements, and enlarging the grounds of the Institution, the following appropriations are made, to-wit: For finishing the

Appropriation to Institution for Feeble minded.

basement of the present building, the sum of two thousand dollars; for erecting stables and barns for the protection of stock belonging to the Institution, the sum of eight hundred dollars; for the purchase of a gas machine and fixtures, and putting up same, the sum of twelve hundred dollars; for erecting a building to be used as a broom and mattress factory, the sum of five hundred dollars; for the purchase of a boiler to replace the one which is worn out, the sum of three hundred dollars.

How paid.

§ 2. The Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasurer of the State, in favor of the Treasurer of the Institution, for the several amounts hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, upon the order of the Board of Commissioners, for such sums as may have been expended for those objects, respectively, until the entire amount of each shall be exhausted.

§ 3. This act shall take effect from and after its passage.

Approved April 30, 1884.

CHAPTER 1142.

AN ACT giving more time for the terms of the circuit court in Marshall county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Circuit court of
Marshall county,
terms of.

§ 1. That the circuit court in Marshall county shall hereafter begin on the second Mondays in June and December, and continue eighteen juridical days, instead of twelve days, as now provided by law.

§ 2. This act shall take effect from its passage.

Approved April 30, 1884.

CHAPTER 1147.

AN ACT giving the further time of two years to sheriffs and ex-sheriffs in which to collect their uncollected taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the several sheriffs and ex-sheriffs of this State are granted the further time of two years, from and after the approval of this act, to collect their uncollected taxes, with the same powers of distraint as they have by existing laws, and each of them shall be under the same penalties and liabilities as are now imposed by law for the collection of illegal fees and taxes; and the power of collection and distraint herein conferred upon sheriffs and ex-sheriffs shall apply to the collection of taxes due them, whether collected by them or by any other person legally intrusted with the collection of such taxes: *Provided*, That such sheriffs shall have made settlements for all State and county taxes due by them.

Sheriffs, &c.—
further time given
to collect, &c.

§ 2. This act shall not apply to the collection of taxes due more than seven years.

§ 3. This act shall take effect from its passage.

Approved April 30, 1884.

CHAPTER 1175.

AN ACT to regulate the jurisdiction of the Wayne county quarterly court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the quarterly court of Wayne county shall have jurisdiction concurrent with the circuit court for all actions for the recovery of money or personal property when the matter in controversy, exclusive of interest and cost, exceeds fifty dollars and does not exceed five hundred dollars in value, and in other cases specially provided by statute.

Wayne quarterly
court—jurisdiction.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 30, 1884.

CHAPTER 1187.

AN ACT to amend article one, chapter thirty-six, General Statutes. *

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Chap. 36, art.
1, page 404, Gen.
Stat., amended.

§ 1. That section one, article one, chapter thirty-six, of the General Statutes of Kentucky, be amended by striking out the words "in this Commonwealth," found in the second and third lines of said section, and inserting after the word "estates," and before the word "not," found in the first line of said section, the words, "lying or found in this Commonwealth," so that the section as amended read as follows: "That part of estates lying or found in this Commonwealth, not disposed of by will, of persons who have died, or may hereafter die without heirs or distributees entitled to the same, shall vest in the Commonwealth, without office found, subject to the debts and liabilities of the decedent."

Escheats—when.

§ 2. When any person, owning property, lying or found in this Commonwealth, is not known to be living for seven successive years, and no account whatever can be given of said owner, his heirs, devisees, or distributees, such person shall be presumed to have died without heirs, devisees, or distributees, and his property shall vest in the Commonwealth, without office found, subject to the right of said owner, his heirs or devisees, to be reimbursed for said property, whenever such claim is established, as provided in the law of escheat.

§ 3. This act shall take effect and be in force from and after its passage; and all acts or parts of acts in conflict herewith are hereby repealed.

Approved April 30, 1884.

CHAPTER 1213.

AN ACT to amend article two of chapter ninety-two of the General Statutes, title "Revenue and Taxation."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Chap. 92, art. 2,
page 711, Gen.
Stat., amended.

§ 1. The tax on licenses hereafter shall be as follows, viz: On a license to keep a tavern, ten dollars; if with privilege

to retail vinous or malt liquors, fifty dollars; if with privilege to retail spirituous liquors, or spirituous, vinous, and malt liquors, one hundred dollars.

§ 2. The tax on a license to a coffee-house keeper, if with privilege to retail spirituous liquors, or spirituous, vinous, and malt liquors, shall be one hundred dollars; if with privilege to retail vinous or malt liquors, shall be fifty dollars.

Coffee-house
keeper.

§ 3. The tax on a license to a merchant or druggist to sell vinous or malt liquors shall be fifty dollars; and on a license to sell spirituous liquors, or spirituous, vinous, and malt liquors, shall be one hundred dollars. If more than one person is engaged, the sums herein mentioned shall be paid by the firm: *Provided*, That no license tax shall be required of any druggist who sells liquor for exclusively medicinal purposes: *And provided*, That this act shall not be construed to modify or repeal an act, entitled "An act to further regulate the retail traffic in spirituous, vinous, and malt liquors, and nostrums used as a beverage," approved May five, one thousand eight hundred and eighty.

Merchant or
druggist.

§ 4. Any tavern-keeper, merchant, or coffee-house-keeper, or other person who shall sell spirituous, vinous, or malt liquors without having obtained a license therefor, shall, on conviction, pay a fine of sixty dollars.

Penalty.

§ 5. All acts or parts of acts in conflict herewith are hereby repealed.

§ 6. This act shall be in force from its passage.

Approved May 8, 1884.

CHAPTER 1214.

AN ACT to regulate proceedings in the Henderson circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That on the second day of each term of the Henderson circuit court the ordinary appearances shall be called, and judgment rendered where there is no defense; and such proceedings may be had in said cases as if they had been

Henderson cir-
cuit court—pro-
ceedings regu-
lated.

reached on the docket, except that when an issue of fact is made in said cases, they shall stand for trial in the order they are set on the docket.

§ 2. On the third day the equity appearances shall be called, and such proceedings had thereon as are authorized by the Civil Code of Practice in force in this State.

§ 3. Except on the three first days of each term, the court shall dispose of any motions on the motion docket, and shall call for motions until all the motions are heard, unless it consume more than the first hour of the day's business.

§ 4. The two first weeks of the January and July terms, and the first week of the April and October terms, except as provided in the three foregoing sections, shall be devoted exclusively to the trial of criminal and penal causes, and civil causes to which the Commonwealth may be a party in interest; and no such cause shall be docketed, or trial thereof begun, beyond such time, but trials begun within that time shall be completed.

§ 5. After the call for motions is suspended, during that portion of the term allotted to the trial of cases to which the Commonwealth is a party, no other civil business shall be transacted on that day, unless by consent of parties noted of record.

§ 6. The clerk of said court shall make out his dockets as directed in the Civil and Criminal Codes of Practice in force in this State, and said Codes shall regulate all proceedings in said court, except so far as they may be modified herein; and all laws in conflict herewith, and all special acts regulating proceedings in said court, now in force, are hereby repealed.

§ 7. This act shall take effect on the first day of August, one thousand eight hundred and eighty-four.

Approved May 3, 1884.

CHAPTER 1215.

AN ACT to regulate the time and terms of holding circuit court in the third judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter circuit courts in the third judicial district shall be held as follows:

In the county of Henderson, on the first Mondays in January, April, July, and October, and continue five weeks at each term, except the July term, which shall continue four weeks, if the business of the court require it.

Courts in third judicial district regulated. 1884

In the county of Union, on the fourth Mondays in February and August, and continue five weeks at each term, if the business of the court require it.

In the county of Webster, on the second Mondays in May and November, and continue three weeks at each term, if the business of the court require it.

In the county of Crittenden, on the first Mondays in June and December, and continue four weeks at the June term and three weeks at the December term, if the business of the court require it.

§ 2. All acts and parts of acts in conflict with this act are repealed.

§ 3. This act shall take effect on the first day of August, one thousand eight hundred and eighty-four.

Approved May 1, 1884.

CHAPTER 1241.

AN ACT to amend section seven hundred and eighty-five, title nineteen, chapter four, of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section seven hundred and eighty-five, title nineteen, chapter four, of the Civil Code of Practice, be, and the same is hereby, amended by adding thereto the following, viz: All orders for the distribution of any funds held by the receiver of the Louisville chancery court shall provide for the payment of the costs and fees of the several

Sec. 735, Civ. Code amended.

officers of the Louisville chancery court entitled to costs or compensation or fees out of such funds in the hands of said receiver.

Approved May 5, 1884.

CHAPTER 1272.

AN ACT to amend and continue in force an act in aid of the Bureau of Agriculture, approved April twenty-four, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section one of an act, entitled "An act in aid of the Bureau of Agriculture," approved April twenty-four, one thousand eight hundred and eighty-two, be, and the same is hereby, amended as follows, viz: In the fourth and fifth lines thereof, in lieu of the figures and words "one thousand dollars annually for the period of two years," is substituted and inserted the figures and words, "two thousand dollars annually;" and said act hereby extended and continued in force from the passage hereof, the object of this act being to appropriate, which is hereby done, out of any money in the Treasury not otherwise appropriated, the sum of two thousand dollars annually for the purposes indicated in the act to which this is an amendment, and to continue said act in force.

Bureau of Agriculture continued.

§ 2. This act shall be in force from its passage.

Approved May 5, 1884.

CHAPTER 1278.

AN ACT to amend an act, entitled "An act to amend chapter seventy of the General Statutes, entitled 'Liens of Mechanics,' &c."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to amend chapter seventy of the General Statutes, entitled Liens of Mechanics, Laborers, and Material Men," approved May fifth, one thousand eight hundred and eighty, be, and the same is

Liens of Mechanics—act of 1881—amended.

hereby, amended so as to apply to the counties of Spencer and Grant.

§ 2. This act shall take effect and be in force from and after its passage.

Approved May 5, 1884.

CHAPTER 1283.

AN ACT to further regulate traffic in vinous, spirituous, or malt liquors and nostrums, &c., approved fifth of May, one thousand eight hundred and eighty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the above act be, and is hereby, amended so as to give the applicant a right to appeal from the judgment of the county court refusing to grant his application for a license, as provided for in said act, to the circuit court. The said applicant shall prosecute his appeal within twenty days after the judgment refusing his application, by filing a copy of the said judgment of the county court overruling his application with the clerk of the circuit court. The said clerk shall docket the said appeal at the foot of the criminal docket, and the same shall be tried by the circuit court *de novo*.

Act of 1880
amended.

§ 2. This act shall take effect from the date of its passage.

Approved May 9, 1884.

CHAPTER 1290.

AN ACT for the appropriation of money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the following sums are hereby appropriated to the following named persons, to be paid by the Treasurer out of any money in the Treasury not otherwise appropriated, upon the warrant of the Auditor of Public Accounts.

Appropriations.

§ 2. To the Ministers of the Gospel of Frankfort, three hundred and fifty dollars, to be drawn and distributed among

Ministers.

them by W. E. Railey, for their services in opening the two Houses with prayer during the present session.

Guy Barrett. § 3. To Guy Barrett, one thousand six hundred and sixty-four dollars and nineteen cents for papers furnished General Assembly under resolution of same.

Mrs. Jack Long § 4. To Mrs. Jack Long, ten dollars for washing towels for the House.

Mrs. Annie Grayson. § 5. To Mrs. Annie Grayson, five dollars for washing towels for the Senate.

Marshall & Meagher. § 6. To Marshall & Meagher, six dollars and seventy-five cents for articles furnished the two Houses of the General Assembly during the present session.

Rodman & Bro. § 7. To Rodman & Bro., fifty-six dollars and twenty-three cents for articles furnished the General Assembly during the present session.

Gray and Rodman. § 8. To Gray & Rodman, fifteen dollars and forty cents for articles furnished the General Assembly during the present session.

Rodman & Sneed. § 9. To Rodman & Sneed, twenty-one dollars and twenty-five cents for articles furnished the General Assembly during the present session.

Major, Johnston & Barrett. § 10. To Major, Johnston & Barrett, three hundred dollars for furnishing the Yeoman daily during the session with report of proceedings.

D. L. Haly. § 11. To D. L. Haly, sixty dollars and twenty-nine cents for articles furnished the General Assembly during the present session.

Ed. Yeiser. § 12. To Ed. Yeiser, five dollars for services rendered in the two Houses before the General Assembly convened.

John Pullam. § 13. To John Pullam, seventy-five dollars for services in mopping hall and wheeling wood during the session.

Moses Butcher. § 14. To Moses Butcher, twenty-five dollars for services rendered in attending the room occupied by the clerks of the Committee on Enrollments.

B. W. Jenkins. § 15. To B. W. Jenkins, eight dollars and eighty-five cents for articles furnished the General Assembly during the present session.

Woolfolk & Co. § 16. To Woolfolk & Co., forty dollars and seventy-five cents for articles furnished the General Assembly during the present session.

§ 17. To John T. Buckley, seven dollars and fifty cents for articles furnished the General Assembly during the present session. John T. Buckley

§ 18. To R. K. McClure & Bro., one dollar for articles furnished the General Assembly during the present session. R. K. McClure & Bro.

§ 19. To M. Kahr, sixty cents for articles furnished the General Assembly the present session.

§ 20. To Henry Gobber, thirty cents for articles furnished the General Assembly during the present session. Henry Gobber

§ 21. To Nathan Bensinger, forty-four dollars and twenty-five cents for chairs furnished to the Senate. Nathan Bensinger.

§ 22. To W. W. Bush, two dollars and fifty-five cents for advertising. W. W. Bush.

§ 23. To L. Tobin, thirty-four dollars and thirty-five cents for sundry articles furnished the General Assembly during this session. L. Tobin.

§ 24. To Robert Loomis, two hundred dollars for services at the "back capitol" during this session. Robert Loomis.

§ 25. To F. M. Curl, fifty dollars for services rendered. F. M. Curl.

§ 26. To Wm. Cromwell, ten dollars for services as Assistant Clerk at the organization of the House. Wm. Cromwell.

§ 27. To Ben. S. Robbins, fifty dollars for services as Speaker *pro tem.* of the Senate. B. S. Robbins

§ 28. To A. E. Richards, ten dollars. A. E. Richards

§ 29. To Richard Reid, ten dollars. Richard Reid.

§ 30. To Edward A. Tuttle, four dollars and forty-five cents and three hundred dollars for extra services in the Library during this session. Ed. A. Tuttle

§ 31. To D. J. McKeever, two dollars and fifty cents. D. J. McKeever

§ 32. To B. B. Jeffers, three dollars per day for services as carpenter of the House and Senate during this session. B. B. Jeffers.

§ 33. To the Enrolling Clerks of the House and Senate, eight dollars each per day. Enrolling clerks.

§ 34. To the Assistant Enrolling Clerks of the House and Senate, six dollars each per day. Assistants.

§ 35. To the Clerks and Assistant Clerks of the Senate and House of Representatives, ten dollars per day during this session, including ten days after the day of adjournment Clerks and assistants.

to the Clerk of each House and his First Assistant, to complete their work, and any further sums which the Clerks of each House may certify to the Auditor as paid by them for enrolling and engrossing bills and resolutions during the present session, not exceeding twenty-five cents per page, and for the pay of Clerks who may have acted for them during the sickness, inability, or absence of either the Chief or Assistant Clerks of the respective bodies, not exceeding five dollars per day.

Chief clerk and
assistant clerk.

§ 36. To the Chief Clerk and Assistant Clerk of the House, one hundred dollars each, and to the Chief Clerk and Assistant Clerk of the Senate thirty-eight dollars each, for keeping the accounts and issuing certificates to the members of the House and Senate.

Sergeant-at-
Arms.

§ 37. To the Sergeants-at-Arms of the Senate and House of Representatives, each, eight dollars per day during this session.

Door-keepers.

§ 38. To the Door-keepers of the Senate and House of Representatives, each, eight dollars per day during this session.

Cloak-room
keepers.

§ 39. To the Cloak-room Keepers of the Senate and House of Representatives, three dollars each per day during this session.

Pages.

§ 40. To the Pages of the Senate and House of Representatives, three dollars each per day during this session, including the Page furnished the Governor under resolution of the General Assembly.

Janitors.

§ 41. To the Janitors of the Senate and House of Representatives, each, four dollars per day during this session.

Jack Jones.

§ 42. To Jack Jones, Assistant to the Cloak-room Keeper of the House, two dollars per day during this session.

Speakers.

§ 43. To the Speakers of the Senate and House of Representatives, each, ten dollars per day during the present session.

S. A. Thomas.

§ 44. To S. A. Thomas, Clerk of Committee to investigate the affairs of the Land Office, thirty-six dollars.

§ 45. This act shall take effect from and after its passage.

Approved May 12, 1884.

CHAPTER 1291.

AN ACT for the benefit of the Eastern Kentucky Lunatic Asylum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated, out of the general revenue of the State, the sum of twenty-five thousand dollars, for the purpose of making certain improvements for the use and benefit of the Eastern Kentucky Lunatic Asylum, at Lexington, as follows: For filling gap between main buildings with a brick building, three stories high, the first story of which to be for offices, dining-room, and kitchen, the second and third stories to be used as wards; and for a new boiler-house and laundry, and for repairing roof of the old buildings, and painting all of the buildings as far as necessary, and for repairing the old kitchen for use as wards and for occupancy by employes, the total sum of twenty-five thousand dollars.

Appropriation.

§ 2. That F. M. Curl, architect, by whom the plans and specifications were made, shall superintend the erection of said buildings, and the making of said repairs, buy materials, contract for work and labor, and do all things necessary and proper to fully complete said buildings and repairs. The plans and specifications prepared by said architect shall be filed with the commissioners of said asylum, and shall govern in the construction of said buildings and repairs, and shall at all times be accessible to all parties interested. After the completion of said buildings and repairs, said plans and specifications shall be filed with, and be preserved by, the Auditor of Public Accounts.

Architect.

§ 3. That said F. M. Curl, as superintendent of said work, shall have no interest in any contract for the construction of said buildings and repairs or for materials furnished. In case of his failure, for any cause, to act, the commissioners of said asylum shall select another suitable person to act in his room and stead: *Provided*, That their selection shall meet the approval of the Governor.

Superintendent.

§ 4. The money herein appropriated, or a sufficiency thereof to pay for the improvements herein authorized, shall be drawn upon the draft of the commissioners; and upon said draft being made, the Auditor shall draw his warrant

Money—how drawn.

upon the Treasurer for any sum not exceeding twenty-five thousand dollars, to be paid out of the general revenues of the State not otherwise appropriated; but nothing in this section shall authorize said money to be drawn except in payment for the buildings and repairs.

Commissioners—
itemized state-
ment.

§ 5. The said commissioners shall, within three months after the completion of said buildings, repairs, &c., herein authorized, make out an itemized statement, showing each and every item of expenditure, and file the same with the Auditor of Public Accounts. The superintendent of said work shall make out itemized accounts in favor of the person or persons to whom payments are to be made, and when sworn to by him and approved by said commissioners, shall be paid by order of the commissioners out of the moneys herein appropriated.

§ 6. The commissioners of said asylum are hereby authorized to pay F. M. Curl for his services as superintendent of said works any sum not exceeding the sum of——, which shall be paid out of the appropriation herein made for the construction and repair of said buildings.

Approved May 10, 1884.

CHAPTER 1296.

AN ACT to amend section seven hundred and eighty-two, chapter three, title nineteen, of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Civil Code of
Practice—section
782 amended.

§ 1. That section seven hundred and eighty-two, chapter three, title nineteen, of the Civil Code of Practice, be, and the same is hereby, amended by adding thereto the following words, viz: "Said commissioner of the Louisville chancery court shall provide and keep in his office a docket, which shall be a public record in all respects, and shall remain in said office, wherein said commissioner shall docket all actions referred to him, by giving the number of said actions, the style or names of plaintiffs and defendants, and date of reference; and he shall enter thereon all claims filed in his office in any such actions, and shall give the date when

and by whom filed, the nature and amount of said claim, and whether and from what date said claim bears interest, and he shall indorse the date of the filing of such claim on the back or margin thereof, and attest the same; and if any such claim be thereafter lost or mislaid, said docket shall be legal evidence of the existence of such claim, and all necessary proceedings thereafter shall be based upon said docket.

§ 2. For his services the commissioner shall be entitled to charge to the party at whose instance the action was referred the sum of twenty-five cents, and for each claim thus docketed, indorsed and attested by him, he shall be entitled to twenty-five cents, to be paid by the claimant and party filing said claim.

§ 3. This act shall take effect from and after its passage.

Approved May 8, 1884.

CHAPTER 1302.

AN ACT for the benefit of the Central Lunatic Asylum at Anchorage.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated, out of the general revenues of the State, the sum of twenty-five thousand dollars, for the purpose of making certain improvements for the use and benefit of the Central Lunatic Asylum at Anchorage as follows: For putting up one new three-story building with basement, and to repair the west end building, according to the plans and specifications of F. M. Curl, architect, twenty-three thousand dollars; for beds, bedding, and furniture for said building, two thousand dollars. Total amount, twenty-five thousand dollars.

Anchorage Asylum appropriation.

§ 2. That F. M. Curl, architect, by whom the plans and specifications were made, shall superintend the erection of said buildings, buy material, contract for work and labor, and do all things necessary and proper to fully complete said buildings. The plans and specifications prepared by said architect shall be filed with the commissioners of said Asylum, and shall govern in the construction of said buildings, and shall at all times be accessible to all parties interested.

Architect.

After the completion of said buildings, said plans and specifications shall be filed and be preserved by the Auditor of Public Accounts.

Superintendent.

§ 3. That said F. M. Curl, as superintendent of said work, shall have no interest in any contract for the construction of said buildings, or for materials furnished. In case of his failure, for any cause, to act, the commissioners of said Asylum shall select another suitable person to act in his room and stead: *Provided*, That their selection shall meet the approval of the Governor.

Money—how drawn.

§ 4. The money herein appropriated, or a sufficiency thereof to pay for the improvements herein authorized, shall be drawn upon the draft of the commissioners; and upon said draft being made, the Auditor shall draw his warrant upon the Treasurer for any sum not exceeding twenty-five thousand dollars, to be paid out of the general revenues of the State not otherwise appropriated; but nothing in this section shall authorize said money to be drawn except in payment for the building, furniture, beds, and bedding aforesaid.

§ 5. The said commissioners shall, within three months after the completion of said building, and the purchase of the property herein authorized, make out an itemized statement, showing each and every item of expenditure, and file the same with the Auditor of Public Accounts. The superintendent of said work shall make one itemized account in favor of the person or persons to whom payments are to be made, and when sworn to by him, and approved by said commissioners, shall be paid by order of the commissioners out of the moneys herein appropriated.

§ 6. The commissioners of said asylum are authorized to pay F. M. Curl, for his services as superintendent of said work, any sum not exceeding the sum of —, which shall be paid out of the appropriation herein made for the construction of said buildings.

\$14,377.95 appropriated.

§ 7. That the further sum of fourteen thousand three hundred and seventy-seven dollars and ninety-five cents is hereby appropriated, out of the general revenues of the State, to pay sums already expended by the commissioners

of said asylum for new boilers and heat-generating apparatus, new laundry machinery, new bath-rooms and closets, deficit in farm house appropriation, deficit in appropriation for furniture, and deficit in appropriation for fencing, as shown by the annual report of said asylum for eighteen hundred and eighty-three, and of the joint committee appointed to investigate the affairs of said asylum, be paid upon the draft of the commissioners; and upon said draft being made, the Auditor shall draw his warrant upon the Treasurer for said amount.

§ 8. This act shall take effect from its passage.

Approved May 12, 1884.

CHAPTER 1313.

AN ACT to establish the county of Knott.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the fifteenth day of May, one thousand eight hundred and eighty-four, so much of the counties of Floyd, Letcher, Perry, and Breathitt as are included in the following boundary is hereby created into and established a separate county, to be known as the county of Knott, to-wit: Beginning at the mouth of Jones' Fork of Beaver creek, in Floyd county, thence with the dividing ridge between said Jones' Fork and Beaver creek to the head of Mill Fork of Beaver creek; thence with the divide between said Mill creek and the Caney Fork of Beaver creek, to the mouth of said Caney; thence by a straight line to the top of the hill between Right Beaver and Left Beaver, and thence with the top of the dividing ridge to the Pike county line; thence with the Pike county line to the Letcher county line; thence with the Letcher county line to the divide between the Rock House and Carr's Fork of the Kentucky river; thence with the divide between said Rock House creek and Carr's Fork, to the head of Defeated Branch of Carr's Fork; thence with the divide between the Montgomery and the head of Oak Fork of Carr's Fork, to the mouth of Yellow creek of Carr's Fork,

Knott county established.

in Perry county; thence with the divide to the head of Yellow creek, so as to include said Yellow creek in the proposed new county; thence in a straight line to the mouth of the Trace Fork of Troublesome creek; thence a straight line to the mouth of the Coal's Fork of Buckhorn creek, in Breathitt county; thence a straight line to the mouth of Middle Fork of Quicksand creek; thence with the divide between said Middle Fork and Spring Fork of Quicksand creek, to the Magoffin county line; thence with the Magoffin and Breathitt county line to the Floyd county line; thence with the Floyd and Breathitt county line to the head of Salt Lick Fork of Beaver creek; thence a straight line to the beginning.

§ 2. That Thomas Y. Fitzpatrick and S. P. Davidson, of the county of Floyd; W. H. Nickell, of the county of Letcher; G. W. Sewell, of the county of Breathitt, and Robert S. May, of the county of Perry, be, and they are hereby, appointed commissioners to locate the seat of Knott county; who shall meet at F. P. Allen's, at McPherson, on the third Monday in June, one thousand eight hundred and eighty-four, and, after being duly sworn, shall select a suitable place for the county seat of said county, and make out, in writing, the boundary of said place so selected for said purpose, forward a copy thereof to the Secretary of State, deliver one copy to F. P. Allen, and retain one copy in their possession until a county court clerk is elected and qualified for said county, when said commissioners shall deliver the same to said clerk, who shall record the same in the order-book of the county court of said county.

§ 3. That the justices' districts as they now stand in the portions of the counties of Floyd, Letcher, Perry, and Breathitt, out of which the county of Knott is made, shall remain as they now are and be the justices' districts for the county of Knott, and the justices of the peace and constables of said districts shall hold their respective offices, as officers of Knott county, until the next regular election for such officers, at which election, when justices of the peace and constables shall be elected in said districts, as now required by law at the several places of voting in said districts,

unless changed by law, and hold their courts as may be directed by the county court of Knott county.

§ 4. That Marion Martin, Nathaniel Collins, A. H. Draughan, Jasper Stuart, and W. J. Hall, be, and they are hereby, Commissioners. appointed commissioners, any three of whom may act after due notice to all, to lay off the county of Knott into magisterial districts, not exceeding five. They will meet at McPherson, on the third Monday in June, one thousand eight hundred and eighty-four, and, after being duly sworn, they will fairly and impartially discharge the duty required of them by this act, and after the county seat of Knott county is located, proceed to lay off said county into said magisterial districts, one of which shall include the county seat. They will give the boundary of each district laid off by them, and will locate the voting place in each; they will make out in writing a report of their acts and doings under this act, and forward one copy to the Secretary of State, and leave one copy with A. H. Draughan, which said Draughan shall deposit with the county court clerk of Knott county as soon as one is elected and qualified, who shall preserve the same and spread it of record on the order-book of his office.

§ 5. An election shall be held in said county on the first Election Monday in August next for the election of circuit court clerk, county court clerk, a presiding judge of said county court, sheriff, jailer, coroner, assessor of tax, and county attorney, and two justices of the peace and one constable in each justices' district in said county, as hereinafter provided. The persons who act as sheriff of election shall meet at the house of F. P. Allen, on the the third day after the election, and carefully compare the polls, and shall sign the certificates of the election of persons elected to each office, designating the person who received the highest number of votes, and the office to which he is elected, one of which they shall transmit to the Secretary of State, one to the officers elected, and they shall lodge one in the hands of F. P. Allen, who shall deliver it to the county court clerk of said county of Knott, after one is elected, to be recorded by him in his office. It shall be the duty of the Governor of this Commonwealth to commission such of said officers as are required

by existing laws to be commissioned. The officers first elected under this act shall hold their respective offices until the next regular election for like officers, and until their successors are elected and qualified. They shall take the oaths and execute such bonds as is required by existing laws of like officers.

Officers. § 6. The presiding judge of the county court and justices of the peace of said county, a majority concurring, are authorized and empowered to select suitable lots of ground at seat of justice of said county, over and above that which is hereinafter designated, upon which to erect the necessary buildings, and to purchase and make provisions for the payment therefor by levying a poll-tax, not exceeding five dollars on each tithable in said county, from year to year, until the same is fully paid, or they may receive such lots of ground by donation; and when so purchased or donated, the vendor or donor shall make proper deeds therefor to the county court, and the title thereto shall vest in the county court for the use of the county; and they may receive subscriptions in work or materials, or for money to be paid, to be used in the erection or payment for the erection of the necessary buildings.

County court—when held. § 7. The county court of said county shall be held on the third Monday in each month, and the quarterly courts on the Tuesday succeeding the third Monday in March, June, September and December.

Buildings. § 8. The county court of Knott county shall provide suitable buildings in which to hold the circuit and county courts, and keep the clerks' offices until public buildings shall be provided; and while courts are held at the places so provided, all advertisements, notices &c., required to be put up at the court-house door, or sales or other acts to be done at the court-house door, shall be legal and binding if done at the place provided for holding courts aforesaid.

Commissioner to mark boundary. § 9. That Grandville Combs, of Perry county, be, and he is hereby, appointed as a commissioner, and he, with necessary assistance that he may call to his aid, shall run and plainly mark the boundary line of Knott county, as provided in the first section of this act. He shall make out duplicate

certificates of his work, transmit one to the Secretary of State, to be filed by him in his office; and he shall deliver the other to the county court of Knott county, to be filed in his office, after being first recorded in the order-book of the county court.

§ 10. The county court of Knott county shall allow each of the commissioners named in this act, and to their assistants, reasonable compensation for their services, to be paid out of the county levy. Compensation.

§ 11. The assessors of tax of the several counties from which Knott county is formed shall, for the year one thousand eight hundred and eighty-four, proceed as though this act had not passed, to take in the list of taxable property, except that they shall make out separate books of that portion of their respective counties that has been taken off to Knott, and return the same to the county court of Knott county. Assessors of tax.

§ 12. The county court of Knott county shall have the use of the jails of either of the counties from which it is taken, and the jailers shall receive all persons committed from Knott county under the same rules as if committed from either of the counties from which it is taken. Jails.

§ 13. The Secretary of State shall furnish the county of Knott and its several officers with all the books now allowed by law to the several counties and officers of other counties of this Commonwealth. Books provided.

§ 14. The county of Knott is hereby attached to the first judicial district for the election of Judge of the Court of Appeals, and the fifteenth judicial district for the holding of circuit courts; and the times for holding the circuit courts in said county shall be on the Monday succeeding the Letcher circuit courts, and continue six judicial days at each term, if the business so requires it. District and terms of court.

§ 15. The several counties from which Knott is taken shall have jurisdiction to their limits, the same as before this act was passed, until Knott county shall have elected officers, and they have qualified as required herein.

§ 16. The qualified voters of Knott county embraced in the territory stricken from the counties of Floyd, Letcher, Representative district

Perry, and Breathitt, shall vote for Representatives and Senator—with the counties of Letcher, Martin, and Pike for Representative, and with the thirty-third Senatorial district for Senator, until the next regular apportionment for Senator and Representative in the General Assembly of the Commonwealth of Kentucky.

§ 17. The county seat of Knott county shall be called Hindman.

Approved May 5, 1884.

CHAPTER 1323.

AN ACT to change the time for holding quarterly courts for Marion county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Marion county
quarterly court—
terms of

§ 1. That from and after the passage of this act the quarterly courts for Marion county shall be held on the second Monday in February, May, August, and November of each year.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

§ 3. This act shall take effect from its passage.

Approved May 3, 1884.

CHAPTER 1330.

AN ACT to amend and reform the common school laws of this Commonwealth.

ARTICLE 1.

Common School System.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Uniform system.

§ 1. That there shall be throughout the State of Kentucky, a uniform system of common schools in accordance with the Constitution of the State and the provisions of this act, and that all laws now existing in conflict with this act are, hereby, repealed.

Object of the
law.

§ 2. The object of this chapter is to carry into effect the intention of the people of Kentucky, as expressed in the Con-

stitution, in promoting the establishment throughout the State of a system of common schools which shall be equally accessible to the poor as to the rich.

§ 3. It is therefore declared that no school shall be deemed a "common school," within the meaning of this chapter, or be entitled to any contribution out of the school fund, unless the same has been, pursuant hereto, actually kept by a qualified teacher for three months in districts having thirty-five pupils or less, for four months in districts having more than thirty five and less than forty-five pupils, and for five months for districts having forty-five or more pupils during the same school year, and at which every child residing in the district, between the ages of six and twenty years, has had the privilege of attending, whether contributing towards defraying its expenses or not: *Provided, however,* That nothing herein shall prevent any person within the district, over the age of twenty years, from attending a common school who will pay his tuition fees.

Common school defined.

§ 4. Nothing in the last section shall preclude a school which is kept for a part of the year as a common school from being kept for the balance of the year as a select or private school, to which none but contributors may have the privilege of sending pupils.

§ 5. The school years shall begin on the first day of July, and terminate on the thirtieth day of June.

School year.

§ 6. Less the legal holidays, twenty school days, or days in which teachers are actually employed in the school-room, shall constitute a school month in the common schools of the State.

School month.

§ 7. In districts where the number of children of pupil ages exceeds one hundred, the trustees may employ an assistant to the principal teacher when the regular daily attendance exceeds fifty; and in no case shall less than two teachers be employed when the regular daily attendance is sixty or over.

Assistant may be employed.

§ 8. All pupils who may be admitted to common schools shall comply with the regulations established in pursuance of law for the government of such schools. Willful disobedience and defiance of the authority of the teacher, habitual profanity and vulgarity, or other gross violation of propriety or law, shall constitute good cause for suspension, dismissal, or expulsion from school.

Cause for suspension.

LAWS OF KENTUCKY.

Sectarianism, &c
forbidden.

§ 9. No books, tracts, papers, catechisms, or other publications of a sectarian, infidel, or immoral character, shall be used or distributed in any common school, nor shall any sectarian, infidel, or immoral doctrine be taught therein.

When pupil entitled to certificate.

§ 10. Whenever a pupil of any common school shall have faithfully completed the prescribed course of study, and passed **a proper examination before** the county board of examiners on a series of questions prescribed by the State Board of Education, he shall be entitled to a certificate to that effect, signed by said county board, and indorsed by the Superintendent of Public Instruction, who shall affix thereto his official seal. The Superintendent shall prepare a proper form for said certificate.

ARTICLE II.

School Fund.

School fund defined.

§ 1. The school fund shall consist of the fund dedicated by the Constitution and laws of this Commonwealth for the purpose of sustaining a system of common schools therein.

§ 2. (1.) The interest on the bond of the Commonwealth, for \$1,327,000, in aid of common schools, at the rate of six per cent. per annum, payable on the 1st day of January and of July of each year.

(2.) The dividends on seven hundred and thirty-five shares of the capital stock of the Bank of Kentucky, representing a par value of seventy-three thousand, five hundred dollars, owned by the State.

(3.) The interest on the bond issued for surplus, due the counties by the State, at the rate of six per cent. per annum, payable on the 1st day of January and of July of each year.

(4.) The annual State tax of twenty-two cents on each one hundred dollars of the taxable property of the State, "including railroads, and a proportionate share of the special taxes paid by turnpike roads, banks, and all other corporations."

(5.) The annual tax of fifty cents on each \$100 of the capital stock of the Farmers' bank of Kentucky, of the Bank of Kentucky, of the Farmers and Drovers' Bank, and of the Bank of Shelbyville.

(6.) All other moneys and property taxes, fines, and forfeitures, expressly set apart by existing laws in aid of common schools.

§ 3. The foregoing shall constitute the annual resources of the school fund of Kentucky, and shall be paid into the Treasury, and shall not be drawn out or appropriated, except as provided by this chapter, in aid of common schools.

§ 4. All officers of this Commonwealth whose duty it is to collect the special taxes, fines, and forfeitures, hereinbefore mentioned, shall, on or before the first day of June of each year, make a special report of the same to the Superintendent of Public Instruction. Duty of officers

§ 5. Hereafter, except as otherwise expressly provided in this chapter, no part of the common school fund, or of the revenue thereof, shall be used for any other purpose than the payment of teachers of common schools, legally qualified and employed, in pursuance hereof. How fund to be used.

§ 6. The Auditor shall keep the accounts in relation to this fund. He shall, once in each month, make a transfer to the credit of said fund of all receipts into the Treasury, for the benefit of the common schools up to the date of such transfer. He shall allow no expenditures on that account beyond the annual revenue of the fund, and shall see that no county draws more than its proper proportion. Auditor.

§ 7. The net revenue of the fund accruing during each school year, after the payment of whatever expenses may be incurred according to law by the board of education, or by special acts of legislation, shall constitute the sum to be distributed. But no fees to county judges or clerks, discount on checks, or other incidental expenses, shall be paid out of the distributable share of the revenue apportioned to any county; but such payment shall be made out of the county levy. How distributed.

§ 8. The Superintendent of Public Instruction shall, on or before the first day of July in each year, ascertain and estimate for the school year, the pro rata share each child will be entitled to, according to the whole number of children between the ages of six and twenty years in the State, and the proportion thereof each county and each school district will be entitled to according to the whole number of such children residing in each county and each school district respectively, as shown by the returns of the county superintendent. If at the time of making such estimate and apportionment, the census returns of the superintendent for any county have not been made to him, he shall use the census returns made for the previous year. It shall be the duty of the Duty of Auditor and Superintendent of Public Instruction.

Auditor to furnish the Superintendent of Public Instruction such data as may be needed in making said estimate and apportionment. It shall be the duty of the Superintendent of Public Instruction, on or before the first day of July, to file a copy of said estimate and apportionment with the Auditor, and to inform each county superintendent of the amount to which each school district of his county will be entitled. Whatever difference may exist between the estimated and the actual revenue of the school fund for any school year shall be taken into the account of the estimate and apportionment for the succeeding school year.

Surplus

§ 9. If on or before the first day of January next after the termination of each school year, any portion of the revenue of that year previously apportioned to any county be not called for for common school purposes, the same shall remain in the Treasury to the credit of the county in which such district is situated, to be distributed the next year for the benefit of said county, as the interest on the bond for surplus is now distributed. A detailed statement of the surplus amount to which each county is entitled, shall be made out by the Superintendent of Public Instruction, and filed and preserved in his office. The bonded surplus in the State Treasury to the credit of the counties, shall bear interest at the rate of six per cent. per annum, and the *per capita* derived from said interest shall be duly apportioned to each county and paid at the same time that the forty per cent. of the State fund is apportioned and paid.

How error corrected.

§ 10. When the Superintendent of Public Instruction and the Auditor of Public Accounts shall be satisfied, from the proper examination of the records, and from other proof, that an error has occurred in taking or in reporting the school census in any district, under the provisions of this act, they are hereby empowered to correct such error. In such case the Superintendent shall certify such error, and the Auditor of Public Accounts shall draw his warrant on the Treasurer for the amount of such error, in favor of the teacher entitled to the same, payable out of the unbonded surplus and, the interest aforesaid, in the Treasury belonging to said county, and if these be not sufficient for the correction of said error, the balance shall be paid out of the revenue proper.

§ 11. Whenever a qualified teacher, duly employed by the trustees of any district, pursuant to this chapter, shall have

completed one half the session of his school by the 10th of January, or by the 15th of February, or by the 15th of May, such district shall be entitled to forty per centum of its proportion of the school fund for that school-year, for the payment of the teacher, and on the completion of the school, to the residue.

ARTICLE III.

County Taxation.

§ 1. In any county of the State, in which the clearly ascertained will of those who are authorized to vote thereon, under the provisions of this law, shall be in favor of a county tax, in aid of common schools therein, the levying of such tax shall be lawful. County tax.

§ 2. To ascertain the will of the voters of the county under the provisions of the preceding section of this act, it shall be the duty of the judge of the county court in each county of this Commonwealth, whenever a written petition signed by at least fifty of the legal voters who are reputable citizens of the county, each one of whom shall be a housekeeper and a tax-payer, requesting a vote of the county upon a tax upon the property or polls of the county in aid of the common school fund, and fixing in that petition the tax that is asked to be voted on each one hundred dollars of taxable property in the county or on each poll in the county, which tax in no case shall exceed twenty-five cents on each one hundred dollars of taxable property nor one dollar on each poll, and which petition shall be filed in said court at least sixty days immediately preceding the next general election for Representatives in said county, to make an order on the order-book of the county court, directing the officers whose duty it is to hold elections under the general election laws of the State to open a poll in each of the voting precincts of the county, at the next general election held in said county for Representatives, for the purpose of taking the sense of the legal voters of said county upon the proposition whether or not the property or poll in the county shall be taxed the amount named in the petition so filed in aid of the common school fund of the county. Vote to be taken.

§ 3. It shall be the duty of the county court clerk, upon the entering of the order mentioned in the last section of this act, to give immediately to the sheriff of the county a certified Notice.

copy thereof. And it shall be the duty of the sheriff to have said order published in some weekly or daily paper published in the county, for at least two weeks immediately preceding the day of election; and also to advertise the same by printed or written handbills posted in at least three of the most public places in each precinct for at least ten days immediately preceding said election. If there is no daily or weekly newspaper published in the county, then the printed or written notices provided for in this section shall be sufficient notice. The notice given by the sheriff shall name the time the vote is to be taken, and the amount of the tax to be voted upon.

§ 4. It shall be the duty of the sheriff or other officer holding the election mentioned in section first of this article, to open the poll, and an officer of the election shall propound to each voter who votes, the question—"Are you in favor of the tax in aid of common schools in this county?" And his vote shall be recorded for or against it, as he directs. The poll shall be opened on the same poll-books in which the votes are taken for Representative or Representatives, and for that purpose the clerk of the county court shall provide a column; and the polls shall be returned as other polls in said election, and shall be examined and compared by the same officers.

Examining board § 5. If it shall be found that a majority of the legal votes cast at the election hereinbefore provided for was given in favor of the tax, it shall be the duty of the examining board to certify that fact; which certificate shall be delivered to the clerk of the county court, and by him safely kept until the next regular term of the county court, at which term the judge thereof shall have the same spread on the record-book of his court.

How tax collected. § 6. The taxes hereinbefore provided for, shall be levied at the same time, and collected and accounted for in the same manner, and by the same officers, as the county levy is now made and collected by law. And the officers whose duty it is to make the levy, and the officers and their securities whose duty it is to collect the tax, shall be subject to the same responsibility and penalties that the same officers are now liable for in the levy and collection of the county levy.

Duty of officers. § 7. The officers collecting the taxes hereinbefore provided for, shall pay the same to the Common School Superintendent of the county on or before the first day of December of the year in which the said taxes are collected, which taxes shall

be disposed of by the County Superintendent in the same manner and for the same purposes, as he disposes of the fund apportioned to him by the Superintendent of Public Instruction, except as herein otherwise provided for.

§ 8. If at the time the vote is taken herein provided for, any district shall have heretofore imposed upon itself a tax in aid of its Common School, equal to or in excess of the one voted for by the county, then no part of the tax voted by the county shall be collected in said district, and the fund raised under the district tax shall be disposed of as now provided by law. And no part of the fund so raised by the county tax, shall be distributed to said district; but if any district in said county shall have imposed upon itself a less tax than that provided by the county vote, such district tax shall not be levied so long as the county tax is collected: *Provided*, That so much as may be necessary of the proceeds of the county tax due said district may be appropriated to the objects for which such district tax was levied. District taxation

ARTICLE IV.

Board of Education.

§ 1. The Superintendent of Public Instruction, the Secretary of State, the Attorney General, and their successors in office, together with two professional teachers to be elected by them, shall be a body-politic and corporate, by the name and style of "The Board of Education for the State of Kentucky," subject to alteration and repeal by the General Assembly of the Commonwealth. Board of Education.

§ 2. The corporation may take, hold, and dispose of real or personal estate for the benefit of the common schools of the State.

§ 3. The Superintendent of Public Instruction shall be president of the board, and, with two other members, may control its corporate action at any regular or called meeting of the board. President.

§ 4. The board shall meet on or before the 30th day of June and 30th day of December of each year; and at other times upon the call of the president, who shall keep a record of the proceedings of the board; its corporate acts shall be attested by the signature of the president, and his private seal shall stand in lieu of a corporate seal. The bonds, certificates of stock, and other evidences of property held by the board for When board to meet.

common school purposes, shall be in the custody of the president, and the place of deposit shall be shown by the records of the board.

Duty of board.

§ 5. The State Board of Education shall constitute a standing committee, who shall prepare rules, by-laws, and regulations for the government of the common schools of the State, which shall be adopted and enforced under the authority and direction of the county school superintendents, in all cases where the trustees shall fail to enforce the same; shall, from time to time, select and recommend a proper course of study, and suitable lists of text-books for all the common schools of the State, from which lists the trustees of the various districts shall adopt the books to be used in their respective districts, which books shall not be changed oftener than once every five years: *Provided, however,* That in any district where a list of text-books has been adopted and is now in use, no change in text-books shall be made in such district in a less time than five years from the time that list was adopted or until the books are worn out. Said board of education shall recommend suitable works for district libraries, and such standard works and professional aids for teachers, as they may deem proper, on educational science and the arts of teaching.

Course of instruction.

§ 6. The instruction prescribed by the board shall embrace spelling, reading, writing, arithmetic, English grammar, English composition, geography, United States' history, and laws of health: *Provided, however,* That where there are as many as one-third in number of the pupils of any district who are the children of other than English-speaking parents, their respective languages may be added to the foregoing course of study.

Books supplied.

§ 7. Whenever it shall be made to appear to the satisfaction of the county judge of any county of this Commonwealth that there are indigent orphan children in the county who are not pecuniarily able to supply themselves with the necessary text-books, then such books shall be supplied to all such children by the county judge, and paid for by an allowance made by said county judge as provided for in section 1, article 3, chapter 27, of the General Statutes, not to exceed one hundred dollars in any county in any one year.

Additional reports.

§ 8. The board shall have the power to require county superintendents and trustees of common schools to report facts, additional to those now required to be reported, when-

ever, in their judgment, the interest of the cause of common schools in the State shall indicate the necessity thereof.

§ 9. The board shall have power to organize and keep in existence a State Teachers' Association, to be composed of the members of the board, all the officers and teachers connected with the common schools throughout the State, all officers and teachers connected with public free schools in any city or town in the Commonwealth, together with such other teachers and friends of popular education as the board or association may invite to become members of such organization, for the purpose of promoting the cause of common schools in the State. The association shall elect its own officers, and adopt by-laws and rules for its own government. The board may cause to be organized and held annually, between the fifteenth day of June and the first day of September, and at such special times and places as it may elect, three model State Teachers' Institutes of three weeks' session each, to be held, one in each Superior Court District as now defined, for the instruction of members in attendance. Each Institute shall be under the supervision of the Superintendent of Public Instruction, but under the immediate conduct of an expert normal teacher with such assistants as may be necessary, all of whom shall be selected by the board of education through the Superintendent of Public Instruction. A reasonable fee shall be charged for the instruction of the members in attendance at said Institutes, but no allowance shall be made for the use of proper lecture-rooms or for the means of demonstration and illustration or for any other aids and means as may conduce to the interest and profit of the exercises. Any common school teacher who may attend the full session of any one of the said Institutes, shall be furnished with a certificate to that effect, and shall, in virtue thereof, be excused from attending the next Teachers' Institute in the county in which he may be employed as a teacher. At the time and place of holding the session of one of the said Institutes, as may be elected by the State Board of Education, the State Teachers' Association aforesaid shall be held.

State Teachers'
Association.

ARTICLE V.

Superintendent of Public Instruction.

§ 1. The Superintendent of Public Instruction shall take Oath. the oath, and enter upon the duties of his office on the first Monday succeeding the inauguration of the Governor.

Salary. § 2. His salary shall be two thousand five hundred dollars per annum; besides which, he shall be entitled to all office fixtures, stationery, books, postage, and fuel and lights needed to carry on the work of his office. He shall have power to appoint two clerks, viz: a chief clerk, whose salary shall be fifteen hundred dollars per annum; a first assistant clerk, whose salary shall be eight hundred and fifty dollars per annum.

Office. § 3. He shall keep his office at the seat of government, in such suitable buildings as may be provided, and shall devote his entire time and attention to the duties of his office.

Account. § 4. He shall keep an account of all the orders drawn or countersigned by him on the Auditor, of all the returns of settlements, and of all changes in the office of county superintendent, which shall be furnished to the Auditor whenever required.

Report. § 5. He shall biennially, on or before the meeting of the General Assembly, make report of the condition, progress, and prospects of the common schools; the amount and condition of the school fund; how its revenue for the two previous school years had been distributed; the amount produced and disbursed for common school purposes from local taxation or other sources, and how and for what the same was expended; an abstract of the county superintendents' reports; the practical workings of the common school system of the State, with suggestions as to any alterations it may require; all of which, together with such other facts, statistics, and information, as may be deemed of interest to be known, he shall deliver to the Public Printer, and caused to be printed a copy for each school district in the State, three hundred and fifty copies for the use of the members of the Legislature and for exchange with the Superintendents of Public Instruction of other States, and five hundred copies for distribution by the Superintendent as he thinks best.

What included in report. § 6. The Superintendent, in his report, shall set forth the objects, methods of admission, etc., to the Institutions for the Blind, the deaf and dumb, and the feeble-minded; and, to aid him in his work, the Superintendents of those Institutions shall be required, annually, by the first day of September, to furnish the Superintendent of Public Instruction with such a condensed statement of their respective Institutions as it would be profitable to publish.

§ 7. Copies of records and papers in his office, certified by him, shall, in all cases, be evidence equally with the originals. Copies evidence.

§ 8. He shall prepare suitable blanks for reports, registers, certificates, notices, and such other official documents as may be provided for in this chapter, and shall cause the same, with such instructions and information as he may deem necessary to a proper understanding and use of them, to be transmitted to the officers and persons interested with the execution of the provisions of the school law. Blanks.

§ 9. It shall be his duty to report any habitual neglect of duty, or any misappropriation of common school funds on the part of any of the county superintendents or trustees of common schools in this Commonwealth, to the county judge of any county in which such neglect of duty or such misappropriation of funds may occur, whenever such neglect of duty or such misappropriation of funds shall come to his knowledge. To report neglect of duty, &c.

§ 10. He shall have published, for annual distribution throughout the State, the general school laws of the State, abstracts of the decisions of the appellate courts, and of the Attorney General on points of school law and construction thereof; information and instructions in regard to application of the school law and the management of the common schools; plates, illustrations, and descriptions of appropriate school architecture, important official and legal periods of the school year, with due notices thereof; and such other important facts and data as may be of interest to the public. Decisions and opinions of Attorney General.

§ 11. In cases of controverted right to the office of county superintendent, the Superintendent of Public Instruction is empowered to recognize a superintendent from among the contestants until the case has been settled. Controverted right to office of, &c.

§ 12. The Superintendent of Public Instruction shall, at the written request of any county superintendent of common schools, decide any question of difference or doubt having reference to the interests of common schools in his county. The decision of the Superintendent of Public Instruction shall, in such case, be final, unless further appeal is promptly prosecuted from his decision to the State Board of Education within thirty days. Before rendering any such opinion, the Superintendent may obtain the advice of the Attorney General, whose opinion in writing, shall be conclusive for the Decisions of Superintendent of Public Instruction and Attorney General.

time, and sufficient defense against all parties. The decisions of the Superintendent of Public Instruction, and the opinions of the Attorney General, shall be duly filed and duly recorded in a book kept for that purpose.

§ 13. Whenever he shall be informed that any donation, gift, or devise of any real or personal estate, shall have been made to the Common School Fund of Kentucky, it shall be the duty of the Superintendent of Public Instruction to appoint some discreet person, who shall take charge of the real or personal estate so granted, devised or donated, and sell and dispose of the same, and pay the proceeds into the Treasury of Kentucky. Before said agent so appointed by the Superintendent of Public Instruction shall proceed to act, he shall give a bond, with good security, to the Commonwealth, for the faithful discharge of his duties as agent. Said bond shall be given in the county in which the donor, grantor, or devisor, shall have died, or in the county in which the property is situated, the bond to be executed in, and approved by, the county court. The person so appointed shall make a settlement with the county court of his county once in each year, and shall pay into the Treasury the amount found in his hands after said settlement. The court shall allow said person a reasonable compensation for collecting and paying over said money, not exceeding ten per cent. on the first five hundred dollars, and five per cent. on the residue, which amount said person shall retain in his hands out of the money collected. For any failure of the person so appointed to discharge the duties under this act, he and his securities shall be liable to all damages sustained, and for all money collected, with twenty per cent. damages on the amount so collected, and which he has failed to pay over. The suit on the bond shall be in the name of the Commonwealth of Kentucky, and shall be instituted by the Commonwealth's Attorney. The person appointed by the Superintendent of Public Instruction shall have the same power, in collecting and settling the estate, as an administrator or executor now has by law; may institute and defend all suits in reference to said estate; sue and collect all notes, bonds, etc., and sell and convey the real estate by deed. The amount of money paid into the Treasury, under the provisions of this section, shall remain there until disposed of by law; and the Treasurer and his sureties shall be liable for the same on his official bond. This section shall

Gift to school
fund.

apply to all gifts, donations, or devises heretofore or hereafter made to the School Fund of Kentucky: *Provided*, That the provisions of this section shall not apply to cases where the terms or conditions of the devises, gifts, or donations conflict with said provisions; but in such cases the terms or conditions of the devise, grant, or donation shall be carried out as intended by the person making the same.

§ 14. The Superintendent of Public Instruction may, from time to time, visit each year, any, and different, portions of the State for the purpose of investigating and directing the operations of the common school system, and of promoting by addresses or otherwise, the cause of popular education. While engaged in this duty, his actual expenses shall be paid out of the Common School Fund, but shall not, in any case, exceed three hundred dollars per annum.

Superintendent of Public Instruction may visit, &c.

§ 15. Upon retiring from office, the Superintendent of Public Instruction shall deliver to his successor all the books, papers, and effects belonging to the office; and, on failure to do so, shall be fined in a sum not less than one hundred nor more than five hundred dollars, to be recovered by indictment in the Franklin circuit court.

Successor.

ARTICLE VI.

County Superintendent.

§ 1. There shall be a county superintendent of common schools in each of the counties of the State, who shall be possessed of moral character and ability to manage the common school interests of the county efficiently. He shall possess a good English education, and shall be competent to examine the teachers who shall apply to teach the common schools in the county, and to certify the same correctly: No person shall be eligible to the office of county superintendent who is not, at the time, twenty-four years old, a citizen of the United States, and who has not resided two years next preceding the election in this State, and one year in the county for which he is a candidate.

County superintendent—qualifications.

§ 2. The county superintendent shall be elected by the qualified voters of each county, at the regular August election in 1884, and every two years thereafter; and for that purpose a poll shall be opened at the election held, and the result certified at the same time and place and by the same officers and in the same way the election for sheriff of the

How elected.

county is held. And the officers who examine the polls shall make out and deliver a certificate of the election to the person so elected, and another copy to the judge of the county court, who shall cause the same to be recorded, a copy of which shall be made out by the clerk and transmitted to the Superintendent of Public Instruction within ten days after the election.

Term of office. § 3. The commissioners now in office shall hold their offices until the county superintendent is elected and qualified under this act; and those elected under the provisions of this law, shall hold their offices for two years or until their successors are elected and qualified.

Eligibility. § 4. No person shall be eligible to the office of county superintendent until he shall have first procured a certificate from the judge of the circuit court of the county in which he shall be a candidate, that he has been publicly examined before said judge by a person appointed by him, and that he is qualified to discharge the duties of county superintendent as required by law; and it shall be the duty of said judge to have said examination made upon application being made to him therefor.

§ 5. No county judge, justice of the peace, circuit clerk, county clerk, county attorney, sheriff, coroner, assessor, or teacher, while engaged in teaching, shall hold the office of county superintendent of common schools.

Oath. § 6. The county superintendent shall, before entering upon the discharge of the duties of his office, take the oath of office, and enter into covenant before the county court of his county, to the Commonwealth of Kentucky, with sufficient security, to be approved by the court, for the faithful discharge of his duties.

To visit, &c. § 7. The county superintendent shall at least once during the year, visit each district school of his county, and investigate and direct the operations of the school system, and promote, by addresses or otherwise, the cause of common school education. He shall condemn any school-house which is dilapidated, unhealthy, or otherwise unfit to be occupied for the purpose of a common school, and shall notify the trustee thereof.

Duties. § 8. It shall be the duty of each county superintendent, on or before the first day of June of each year, to prepare, mail to, and cause to be placed in the hands of the Superintendent of Public Instruction, a report, certified by the county judge

or clerk as having been sworn to by him, showing the whole number of children between the ages of six and twenty years residing in his county, and the whole number residing in each district, described by its number, of his county. He shall base his report upon the census taken during the month of April, and reports thereof made to him by the district trustees. If such reports are not in from any district by the 10th day of May, the county superintendent shall appoint a suitable person to take the census of such district.

§ 9. It shall be the duty of each county superintendent, on or before the tenth day of January, February, May, and the first day of July in every year, to prepare and cause to be placed in the hands of the Superintendent of Public Instruction a report, certified by the county judge or clerk as having been sworn to by him, showing the districts in which schools have been taught for a full session, and those in which schools have been taught for one half the session; and if said report is approved by the Superintendent of Public Instruction, he shall certify the amount due for said schools to the Auditor, who shall draw his warrant on the Treasury in favor of the county superintendent in payment of the same, which he shall collect as soon thereafter as possible, and when collected, pay over to the teachers of the district in proportion to the amounts they are respectively entitled to: *Provided*, That in cities organized as one district, the president or chairman of the school board of such cities shall make the report required of them by this act under oath, direct to the Superintendent of Public Instruction, and draw an order on the Auditor of Public Accounts in favor of the treasurer of such school board, which, when approved and countersigned by the Superintendent of Public Instruction, shall entitle such treasurer to a warrant on the Treasury of the State for the amount thereof; and the said treasurer and his securities shall be accountable for the same upon his official bond in any action by such school board. All reports made to the county superintendent shall be carefully filed and preserved by him, and shall be subject to his revision and correction, if mistakes should be detected therein.

Report.

§ 10. Any county superintendent who shall knowingly and willfully report to the Superintendent of Public Instruction a number of common schools as having been taught in his county, greater than the number of such schools actually

Penalty.

taught therein according to law, or a number of children entitled to tuition in his county greater than the actual number of such children therein, or otherwise knowingly and willfully misstate any fact or facts which he is, or may be hereafter, required by law to report to the Superintendent of Public Instruction, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, on indictment in the circuit court, be fined in a sum not less than two hundred nor more than five hundred dollars, or imprisoned in the county jail not longer than six months, or both so fined and imprisoned, in the discretion of the jury.

§ 11. Each county superintendent, on or before the first day of September next after the termination of each school-year, shall settle his accounts for such school-year with the county judge, and forward a copy of said settlement, certified by the clerk of said court to be correct, to the Superintendent of Public Instruction. Said settlement shall embrace all sums received since the date of his last settlement by said county superintendent for the benefit of common schools taught during the preceding school-year; a full statement of all such sums paid out by him, for what, to whom, and when paid; and should any part of said fund received by him, as aforesaid, remain not paid out, he shall state in his settlement, as above, to whom and to what district the same belongs, and the reasons why it has not been paid out, and fifty per cent. of his compensation shall be retained until such settlement is filed with the Superintendent of Public Instruction. Should the copy of such settlement fail to reach the Superintendent of Public Instruction by the tenth day of that month, it shall be his duty to notify the county judge and the delinquent county superintendent of the fact; and upon receiving such notification, it shall be the duty of the judge, in case the settlement shall not have been made, to immediately compel a settlement by attachment, and a copy thereof to be forwarded to the Superintendent of Public Instruction. For his willful failure to pay out to those entitled thereto, any money in his hands for the space of ninety days after the same shall be received by him, or for his willful failure to make the aforesaid settlement by the time required by law, the county superintendent shall be guilty of a misdemeanor, and being indicted and convicted thereof, he shall be fined in a sum not less than one

To settle acco'ts.

Penalty, for, &c.

hundred nor more than five hundred dollars, as well as remain liable on his official bond, and be removed from office.

§ 12. He shall, previously to the first day of September, prepare and mail, and cause to be placed in the hands of the Superintendent of Public Instruction, his official report, showing, in tables of details and aggregates, the school districts of his county by number; the districts in which schools were taught, and the length of time taught, and those in which no schools were taught; the highest, lowest, and average number of children at school; the cost of tuition of each child for the session and per month; the number of private schools, academies, and colleges taught in the county, and length of sessions of the same; the number of teachers employed—male, female, and total—for the common school; the average wages of male teachers, female teachers, and of total teachers per month; the amount of money raised for common school purposes in the county, by local tax or otherwise, and for what the same was disbursed; the number and kind of school-houses, and the value of each; the number of school-houses built, and value of each; the number of district libraries, and number of volumes in each, and the increase during the year; the amount he has received for official compensation and expenses. For failure to be present at his office at the time appointed to receive reports, or for failing to make the report herein required, he shall be fined in a sum not exceeding fifty dollars.

What report to contain

§ 13. Each county superintendent shall keep a detailed account of all money received and distributed by him, a record of all business transacted by him as county superintendent, together with the reports of the trustees, the names, numbers, and description of school districts, and all other papers and documents of value connected with his office, at all times subject to inspection and examination by any school officer or other person interested in any question pertaining to the common schools.

To keep account

§ 14. The funds which come into the hands of the county superintendent from county taxation shall be disposed of by him for the purposes for which said taxes have been imposed, and he shall report annually to the Superintendent of Public Instruction what taxes have been so levied and collected, and for what purposes the same have been used.

§ 15. It shall be the duty of the county superintendent of each county in this Commonwealth to see that the special

Duty as to taxes, &c.

taxes, fines, forfeitures, &c., provided for in this act, are collected and paid into the State school fund. And he shall, in the month of August in each year, make a report to the Superintendent of Public Instruction, upon blanks furnished by said superintendent for said purpose, showing all of said special taxes, fines, forfeitures, &c., which are due to or may have been paid into the school fund from the county during the previous year.

Gift, devise, &c.,
to be held in trust

§ 16. Any devise, gift, or donation of any real or personal estate in aid of the common schools of any county of this State, shall be held in trust by the county superintendent; and he shall be required to make settlement in regard thereto, in the same manner in which, and at the time when, he makes settlement in regard to the moneys received from the revenue of the school fund; and he shall send a copy of such settlement to the Superintendent of Public Instruction.

May administer
oath.

§ 17. A county superintendent may administer the oath required of a trustee or teacher of common schools, or of other persons required to make oath in matters relating thereto.

When to attend
office.

§ 18. He shall attend at his office on the fourth Saturday in June every year, to administer the oath of office to trustees elect; but it shall be lawful for any justice of the peace to administer the oath of office to any trustee, provided the fact is reported by said justice within ten days thereafter to the county superintendent. He shall make a record of the names of trustees then qualified, showing the districts in which they were elected, and the post-office of each. He shall at that time deliver to the trustees of each district such blanks as they will need for the current school-year, and give such information with regard to their duties as may be requested. He shall address all official correspondence to the trustees. Notice to them shall be regarded as notice to the people of the district, and it shall be the duty of the trustees to notify the people.

Reports of trustees.

§ 19. It shall be the duty of the county superintendent to be in attendance at his office, at the county seat, on the first Saturday in January, February, May, and July, in each year, and at such other times as may be necessary for him to receive the reports of district trustees, and to transact the business required of him.

§ 20. In cases of controverted rights to the office of trustee, the county superintendent is empowered to recognize a trustee from among the contestants until the dispute has been settled.

Right to office of trustee.

§ 21. It shall be his duty to conduct or superintend in person, the examination of all persons offering themselves for positions as teachers of the common schools of his county (except in cities and towns organized as one district by special acts of the General Assembly), in regard to their moral character, learning, and ability to teach said schools; and he shall give a certificate of qualification to no teacher whom he has not personally and sufficiently examined, or who has not been sufficiently examined in his presence, as hereinafter provided for; and for any violation of the above specified duties, he shall be liable to a fine of not less than twenty nor more than fifty dollars.

Duties.

§ 22. The county superintendent shall pay the teachers their salaries direct, upon the certificate of the trustees that the school has been taught

Pay teachers.

§ 23. No county superintendent shall be allowed to buy or transfer for himself or another, any teacher's claim, directly or indirectly, under the penalty of removal from office by the Superintendent of Public Instruction.

Not to buy claims

§ 24. That for incompetency, neglect of duty, immoral conduct, or other disqualification, the county superintendent may suspend or remove any teacher or trustee from office, except in cities or towns organized as one district; and when from such cause, or from death, resignation, or any other cause, a vacancy in any one of the above named offices occurs, it shall be the duty of the county superintendent to proceed, within ten days after such vacancy occurs, or as soon thereafter as practicable, to supply the same by appointment.

Trustee or teacher may be suspended, &c.

§ 25. The County Superintendent shall decide all questions of difference or doubt having reference to the interests of common schools in his county; but appeals from his acts and decisions may be had, on petition of any interested person, to the Board of Education. The county superintendents shall conform to such reasonable rules and requirements as the Superintendent of Public Instruction shall, from time to time, prescribe and announce to them.

To decide questions.

§ 26. For all the services rendered by the county superintendent under the provisions of this act, he shall be allowed a

Compensation.

reasonable compensation, to be fixed by the court of claims of his county annually, and paid out of the fund raised by taxation levied as provided in article 3 of this act; but in counties where no tax is levied under said article, then to be paid out of the county levy as the salaries to the county judge and county attorney are now paid; and in his report to the Superintendent of Public Instruction, the county superintendent shall state the full amount, and in detail, allowed him by the court of claims for his official services.

Vacancy.

§ 27. In the case of the death, removal, resignation, or inability of the county superintendent elected, or in the event of a vacancy, or for any other cause, the presiding judge of said county is hereby authorized to appoint a successor, to continue in office until the succeeding annual election, when one shall be elected. Nevertheless, it shall be competent for the county court, at any regular session, to remove a county superintendent for inability, for habitual neglect of duty, or for malfeasance in office. An appeal may be taken from the order of the county court removing the superintendent to the circuit court, and from the circuit court to the Court of Appeals as in civil actions.

Successor.

§ 28. Each county superintendent, when he resigns, vacates, is removed or goes out of office, shall, within ten days thereafter, deliver to his successor, or to the county court clerk for him, any money, property, books, effects, or papers remaining in his hands as county superintendent, and for failure to do so, shall be fined not more than one hundred dollars.

Reward.

§ 29. In case of a defaulting and absconding county superintendent, the Governor, upon information thereof being furnished by the Superintendent of Public Instruction, shall offer a reward, not exceeding in amount \$500, for his arrest and delivery to the jailer of the county from which he had absconded.

ARTICLE VII.

Districts.

Districts.

§ 1. The districts of the several counties as at present described and numbered, shall be retained except when it shall appear to the county superintendent that a district in his county is not in proper and convenient size and shape to accommodate the pupil-children in such district, or that a new district is necessary, in which event the said county superin-

tendent shall report the same to the judge of the county court, whose duty it shall be to appoint some discreet, suitable citizen of the county, who, together with the county surveyor and the county superintendent, shall form a commission to reform such district or to lay off and define a new one. No district so laid off shall contain in area more than nine square miles, unless it shall be necessary to enlarge the size of such district to include within it twenty children of pupil age. The commission so appointed, after being duly sworn by the county judge to discharge their duties faithfully and impartially, shall as soon as practicable, proceed to do the work herein imposed upon it, and upon completing said work shall make report thereof to the county superintendent, which report shall contain the boundary and description of such district, and designate it by a number. The county superintendent shall record the same in a well-bound book kept by him for that purpose, which book shall be held by said county superintendent and at all times be open for inspection by the public.

§ 2. No change in the boundary of any district reported by the commission provided for in the foregoing section of this act, shall be made except by an order of the county court. And no such order shall be made by the court until the trustees of the school and at least three persons residing in different parts of said district and sending children to the common school taught in this district (who shall be designated by the county court), shall have at least one month's notice of this application for such change. Nor shall said order be made unless it satisfactorily appears to the court by proof in open court, that such change is indispensably necessary to the interests of the pupils in such district, and that the change will not injure the school of any adjoining district. Nor shall any change whatever be made in the boundary of any district to take effect during the year for which a census has been taken. The county superintendent shall furnish the trustees of each district a proper description of the boundary thereof, which shall be duly recorded by said trustees in their record-book. Changed—how.

§ 3. No district shall include more than one hundred children, between the ages of six and twenty years, unless it contains a town or village within its limits, and no one shall No of children.

contain less than forty such children, except in cases of extreme necessity, and in no case less than twenty. In all cases where the number of such children exceed one hundred, or fall below forty, the county superintendent shall state the reason thereof in his report to the Superintendent. Each school-house hereafter erected shall be located as near the center of the district as practicable.

Adjoining counties

§ 4. The county superintendents of two adjoining counties, where the division line intersects a neighborhood whose convenience requires it, may lay off a district composed of parts of both counties. Such district shall be reported, together with its census of pupil children, only as belonging to the county in which the school-house of the same may be situated, by the county superintendent of said county; and he shall make report and draw for the whole district, as though it lay entirely within his county.

Adjoining districts.

§ 5. Where two school districts adjoin, it shall be lawful for the children in either of such adjoining districts to be taught in and at such school-house as shall be most convenient to them: *Provided, however,* That their tuition fees shall be paid over to the teacher of that district in which they may be taught; and that no such change shall be made without the assent of the trustees of both said school districts. In case of an agreement of the kind provided for in this section, the trustees of the district in which the children were reported shall notify the county superintendent, and he shall deduct the tuition fees of said pupils from the district giving permission, and pay them over to the teacher in the district in which they are taught.

Stations in large districts.

§ 6. In any district extending in area beyond nine square miles in order to embrace the minimum number of pupil-children, there may be established under the sanction and direction of the county superintendent, and under the care and conduct of the trustees, not more than three stations, including the district school-house, at which schools may be taught in succession by the district teacher, not less than twenty-two days at each; and such schools shall be duly managed and reported by the teacher, the trustees and the county superintendent, as other schools are managed and reported; but the teacher for such division of his time and the county superintendent for such special service, shall receive no additional compensation.

§ 7. When a city, town, or village establishes and maintains Towns and cities. a system of common schools adequate to the teaching of all the children therein, and which all applying for instruction are permitted to attend free of charge, the same shall be deemed one district, and entitled to its proportion of the school fund. Such city or town shall, through its school agents or other officers deputed for that purpose, make its annual report to the county superintendent of the county, for the several schools therein, at the time, and in a similar manner to that required of the trustees of a district. They shall also take the census of the white children therein, and make return thereof to such county superintendent as, and at the time, trustees are required by this chapter to do; and shall, for neglect or violation of their duties in that respect, be liable to the same penalties. The county superintendent shall have no control over the school in such districts; but the same shall be governed, in all respects by the local authorities.

ARTICLE VIII.

District Trustees.

§ 1. Each school district shall be under the control of three Trustees—how elected. trustees, one of whom shall be elected each year for the term of three years, to fill the place of the trustee going out of office. The election shall be held at the school-house, and if no school-house be in the district, at such convenient place as the trustees may select, from nine o'clock, A. M., till five o'clock, P. M., of the first Saturday of June each year, notice thereof having been posted by the trustees at three of the most public places in the district for ten days immediately preceding the day of election. At this election the qualified voters of the district shall be the electors; and any widow having a child between six and twenty years of age may also vote. No person except the county superintendent of common schools or a resident of the district, shall act as judge of that election. The judge, if not a county superintendent, shall be appointed by the county superintendent; and if the person so appointed, from any cause fail to act, then a majority of the voters present at the time for opening the polls shall elect the judge. The judge of the election shall give the casting vote in case of a tie, provided he has not theretofore voted, and give a certificate of election

to the person elected signed by himself; and report the trustee thus elected, in writing, to the county superintendent of the county within five days after the day of election. In case of a tie in which the judge has voted, then he shall certify the fact of a tie to the county superintendent, and the county superintendent shall select from the persons who are tied, the trustee, and give him a certificate, and the trustee so selected shall act until his successor is duly qualified. The trustee so elected shall hold office for three years from the first day of July succeeding his election, and until his successor is elected or appointed and qualified. Any two of the trustees may constitute a quorum to transact the business pertaining to their office. The trustee having the shortest time to serve shall be chairman of the board of trustees, whose duty it shall be to preside at all its meetings, and to make the reports, and to perform all other such acts and duties as required by law of trustees; and in case of neglect or non-performance of duty, the one so remiss of duty shall be subject to like fines and penalties as imposed by law on trustees for neglect of duty or other violations of the law. This act shall in nowise impair the tenure of office by the trustees who have been duly elected or appointed, under the present school law.

False certificate,
&c.

Penalty.

§ 2. Any person who may be chosen to preside over the election of a school trustee in any school district in this Commonwealth, who shall knowingly, and with intent to commit a fraud, receive and count any illegal vote, or issue a certificate of election to any person not entitled thereto, or shall refuse to issue such certificate to any one duly elected, or who shall fail, for five days after the election, to report the name of the person thus elected trustee to the county superintendent; and any person who shall, with fraudulent intent, deface, mutilate, or destroy the records of any such election, shall be fined the sum of fifty dollars for every such offense, or be confined for twenty days in the county jail in default of the payment of such fine, and it shall be the duty of the county superintendent to report such offenses to the grand jury.

Vacancy.

§ 3. If from a failure to qualify according to law, or from any other cause, there be a vacancy in the office of trustee, the county superintendent of the county shall supply the same by his appointment, in writing, and the trustee so appointed shall hold his office until the next election, or until his successor be elected and qualified.

§ 4. They and their successors shall be a body-politic and corporate, with perpetual succession, by the name of the trustees for their school district; and as such may sue and be sued, take, hold, and dispose of real and personal estate, for the maintenance, use, and benefit of the common school of their district, and receive and enforce payments of subscriptions for the like purpose. Their private seals or scrolls shall stand in lieu of a corporate seal. Body-corporate.

§ 5. The trustees shall keep a record of all their official transactions, which shall at all times be open to the inspection of the county superintendent. Record.

§ 6. The trustees, with the consent of the county superintendent, may take land, by purchase or donation, for the purpose of erecting thereon a school-house, provide for and secure the erection of the same, construct such out-buildings and inclosures as shall be conducive to the protection of the property and the comfort and decency of the pupils and teachers, make repairs, and provide the necessary furniture and apparatus. They shall have power to recover for any damages that may be done to the property in their charge; and they may change the location of the school house, sell or dispose of the old site, and use the proceeds thereof towards procuring a new one. If they cannot agree with the owner of any land most suitable for a school-house site as to the price and terms of purchase and sale thereof, they shall apply to the judge of the county court by petition, in which they shall set forth by metes and bounds the land they seek to condemn, and the county court shall issue a writ of *ad quod damnum* directed to the sheriff to be executed and returned to said court as in case of condemning lands for the use of railroad and turnpike companies; and upon return of said writ, duly executed, and upon the payment in court for the benefit of the owner, of the amount ascertained by the verdict of the jury, the said court, shall issue a writ requiring the sheriff to put the trustees in possession of said lot, and cause a deed to the land, by a commissioner, to be made to the trustees and their successors, which deed shall be duly acknowledged and recorded in the office of the clerk of the county court; and thereupon the title to said lot shall vest in said trustees and their successors in office: *Provided*, They shall not have the right to condemn any private property, which is used by the owner as a residence, garden, orchard, or burying-ground. The quantity of Powers and duties.

land thus condemned shall in no case exceed one acre. One third of the school electors of any district may appeal from the decision of the trustees, in the location of the school-house, or site for the same, to the county superintendent of the county, whose decision in the case shall be final. In such location, it shall be made as near as practicable to the center of the district as will be convenient of access to all the inhabitants of the district; and the trustees shall make provisions for such roads or passways to the school-house as will accommodate all the pupils who may be entitled to attend, and may apply to the county court having jurisdiction to open the same, as other road-ways are opened for public necessity and convenience.

Condemned
school-house.

§ 7. Whenever the county superintendent notifies the trustees that a school-house has been condemned, or in any case it becomes necessary to build a new school-house, then the trustees shall order a per capita tax not exceeding one dollar on each male in the district over twenty-one years of age, which may be paid in work at one dollar per day, and a tax not exceeding twenty-five cents on each one hundred dollars' worth of taxable property in the district, to be collected as similar State taxes are; and such tax shall be applied to the erection and furnishing of a school-house adapted to the wants of said district: *Provided*, That in any district where said tax would not be adequate to the erection of a good and sufficient school-house, or would be oppressive to the people of said district, it shall be the duty of the common school trustees to warn in the hands liable to work on the public highways in such district to meet at the place selected for the school-house, with such tools as they are directed to bring, for the purpose of repairing or building a new school-house, five days' notice being sufficient. The school-house may be built of logs, stone, brick, or plank, but must be of sufficient size to accommodate the children of the district, and have a chimney of stone or brick, where a fire-place is used, or where a stove is preferred, a pipe so protected as to secure the building from fire; it shall have glass windows to afford sufficient light, and suitable seats and writing-tables for the children of the district; and said house when completed, shall have a property value of not less than one hundred dollars. When a school-house is to be built, the trustees of the district shall apply to the county superintendent for specifications and plans of

model school-houses, and the superintendent may furnish the same, being duly provided therefor by the Superintendent of Public Instruction, and the school-house may be built upon one or the other of the plans furnished—as nearly as the circumstances of the district will allow. Said tax shall be collected by the sheriff of the county, and paid over to the county superintendent. The amount collected from said district, shall be paid out on the order of the trustees; and the county superintendent shall be liable under his bond for the proper disbursement of all such funds. If any person liable to work on the public highway or roads of the county fails to attend at the time and place, and with tools directed by the trustees, or fails or refuses to work when in attendance, he shall be proceeded against in the same way, and subject to the same fine that hands are now by law who fail to work on the public highway. If the trustees of any common school district in the State fail, for the period of six months after the building of the school-house has been properly ordered and the tax collected, if to be built out of funds raised by taxation or otherwise, to have a good and sufficient school-house in his district, they shall be indicted by the grand jury and fined not less than twenty-five dollars nor more than one hundred dollars, unless they can show a good and satisfactory reason to the trial jury for their failure; but the county superintendent is authorized to give the trustees six months' additional time in which to build a school-house, whenever, in his judgment, it shall be expedient. All the fines collected under this section shall be applied to the benefit of the school-house in such district; all fines and forfeitures recovered from any source for a violation of any local option law, or any local law regulating or prohibiting the sale of spirituous, vinous, or malt liquors, shall be applied and used for the erecting and repairing of school-houses and furnishing them with school furniture in the voting precinct wherein the offense may have been committed; and said fines and forfeitures, when collected, shall be paid to the county superintendent, and by him, as he and the trustees may deem proper, be applied to said purpose. Said county superintendent shall be responsible, upon his official bond, for the proper expenditure of money so received by him, and he shall with his annual report to the Superintendent of Public Instruction, account for all money so received and disbursed, upon blanks furnished by

the Superintendent of Public Instruction: *Provided*, No common school district in which, by any of the provisions of this chapter, an additional tax has been levied for any of the purposes in this chapter mentioned, shall be altered in respect of boundary or name, so long as the levy of such additional tax is continued. But no such levy shall continue for a period of more than one year, unless the length of time for which it is to continue is specified in the notice of election required by law. But before said order imposing said taxes shall be valid and operative, the same shall be submitted to a vote of those qualified to vote for trustees, said election to be held after twenty days' notice thereof shall have been given, by written notices posted at three or more public places in said district, and said election shall be held by the same officers required to hold the election for trustees.

Tax

§ 8. The trustees shall have power to assess and collect a poll or capitation tax of not more than two dollars per annum on each of those who actually send a child or children to the common school of the district, which may be collected by warrant before a justice of the peace, the proceeds of which shall be used for providing the school-house with fuel, and defraying other necessary expenses incident to the comfortable conduct of the school: *Provided*, Said poll or capitation tax may be discharged by the party or parties upon whom the same may be levied, by the delivery of wood or coal in value equal to the tax imposed, or by the performance of such labor as may be necessary to the comfortable conduct of said school.

Employ teacher.

§ 9. The trustees shall employ a qualified teacher, agree with him as to compensation, and for good cause, of which he shall be first notified in writing, remove him, subject to the approval of the county superintendent.

Duty of trustees

§ 10. It shall be the duty of the trustees to invite and encourage all the children in the district to attend the school, and to inform them and their parents that such is their right. The annual report of the trustees shall always show that this duty has been performed; and no arrangement shall be made for the benefit of some individuals to the exclusion of any others.

Visit school.

§ 11. When a school begins, one of the trustees, within five days thereafter, shall visit the school, and thereafter once a month; see that the regulations for its government are com-

plied with, and that the teacher performs his duty. Upon complaint of the teacher in writing, the trustees shall have power to suspend, dismiss, or expel a pupil.

§ 12. It shall be the duty of the trustees of each district annually, during the month of April, to take an exact census of all the children then residing in such district, who will be, on the first day of July following, between the ages of six and twenty years, and on or before the first day of May, report a list of the same to the county superintendent, specifying the name, age, sex, and names of the parents or guardian of each child. Should said trustees willfully add to the list the names of persons not entitled to be placed on the same, or otherwise knowingly make a false list, such person thus offending shall, in addition to being liable to punishment for the crime of perjury, be subject to a fine of not less than fifty dollars; and should any other school officer be a party to such fraudulent lists, or any way aid in the commission of such fraud, he shall be liable to the same punishment. For a failure to take such census and report the same within the time and in the manner herein required, the trustees shall be liable to a fine of not less than twenty dollars; and said trustees shall not take the census of any children who have recently removed into the district, and who had previously been reported in the census of pupil-children for the year in the district from which they have removed, but any pupil-child who may not have been reported in the district in which he resides, may attend the school on payment, to the teacher, of the *per capita* rated on each of the other children of the school.

To take census,
&c.

§ 13. Whenever a district shall become entitled to receive its proportion of the revenue, or a part thereof, as provided in section eleven, article second, of this act, by reason of having had a school taught in full or for one-half of the session, it shall be the duty of the trustees of such district to immediately make report thereof to the county superintendent; and at the termination of each school year they shall make a report to the county superintendent, showing, in tables of details and aggregates, the length of time taught, the highest, lowest, and average number of children at school; the cost of tuition of each child for the session and per month; the number of private schools, academies, and colleges taught in the district, and length of sessions of the same; the number of teachers em-

How and what
to report.

ployed—male, female, and total—for the common school; the wages of male, or female teachers; the amount of money raised for common school purposes in the district, by county and district tax or otherwise, and for what the same was disbursed; the kind and value of school-houses, and the number of volumes in district library, if any; and any other information required of him by the county superintendent touching the school.

How signed § 14. The reports required of the chairman of the board of trustees shall, in every case, be signed by him.

Penalty. § 15. For a failure or refusal of the chairman to make either of the reports mentioned in section fourteen within thirty days after the same are required to be made, he shall be subjected to a fine of not less than twenty dollars, and besides, shall be liable to an action for damages by any person injured thereby.

Not to buy claim. § 16. No trustee shall be allowed to buy any teacher's claim directly or indirectly, under the penalty of removal from office by the county superintendent. And should any trustee accept or agree to accept any compensation from any person, directly or indirectly, in consideration of employing or hiring a teacher, said trustee, upon indictment and conviction thereof, shall be fined not less than two hundred nor more than five hundred dollars in the discretion of the jury.

Penalty for neglect, &c. § 17. For any neglect of duty or misfeasance in office, the trustees shall, in addition to being fined as aforesaid, be removed from office by the county superintendent.

Chairman. § 18. The chairman of the board of trustees, in consideration of his services, shall be exempt from duty as overseer or a hand upon a public highway, from service as a juror upon inquests of writs of *ad quod damnum*, and from militia duty, and from penalty for non-attendance upon his summons as grand or petit juror.

Fine. § 19. If any person who is elected or appointed trustee of a common school under the provisions of this act, shall willfully fail or neglect, after having accepted said office, to perform the duties imposed upon him herein, he shall be fined not less than twenty-five dollars nor more than one hundred dollars in the discretion of a jury, to be recovered by indictment by the grand jury.

§ 20. A trustee, when he resigns, vacates, is removed, or goes out of office, shall within ten days thereafter, deliver to

his successor any money, property, books, or papers, in his custody as trustee; and for failure herein he may be fined any sum not exceeding twenty dollars; and it shall be the duty of the county superintendent to report all such defaults to the grand jury.

ARTICLE IX.

Teachers.

§ 1. No person shall be deemed qualified to teach any common school herein provided for unless such person shall first have obtained a certificate of qualification to teach the subjects embraced in the common school course, signed by two members of the county board of examiners, or two members of the State board of examiners, specifying the class of qualifications of the applicants. Certificates shall be first-class, second-class, and third-class. No certificate, except first-class, shall be issued to the same person more than twice. Certificates of the second-class shall expire in two years from their date; and certificates of the third-class shall expire in one year from their date. A first-class certificate shall be valid for four years from its date, and may be continued four years longer by the county superintendent indorsing thereon "renewed," and subscribing his name, for which no fee shall be charged. But no certificate shall be valid out of the county in which it is granted. The State Board of Education shall define the qualification necessary in order to procure a certificate of each class.

§ 2. The county superintendent shall appoint two competent and well-educated persons, who, together with himself, shall constitute a board of examiners for the county, who shall examine all the teachers applying to teach the common schools of the county. The said board of examiners shall hold their sessions on the third and fourth Saturdays in July and August, and in December and January of each school year, at the county seat, and at such other times and places as they may appoint, giving public notice thereof, for the examination of teachers for the common schools. The county superintendent and at least one member of the board shall be present and conduct all such examinations, and shall sign all certificates of qualification given. Said examiners appointed by the county superintendent, before they shall be authorized to give any certificate, shall take and subscribe an oath that they will

faithfully discharge their duties; that they will not give to any person a certificate until they have fully examined the applicant touching his or her qualifications and fitness to teach, and who is not qualified to teach as required by the common school law; said affidavit shall be filed in the office of the clerk of the county court.

Fee.

§ 3. The board may charge each applicant a fee of one dollar for each examination made, the proceeds of which shall be divided between the two members of the board appointed by and acting with the county superintendent, in proportion to the services rendered by them. They shall give no certificate to any applicant unless they are satisfied that such applicant is possessed of a good moral character, knowledge of the branches of study examined on, and a fair ability to teach and govern a school, sufficient to warrant the class of certificate given; and if, at any time, the recipient be found incompetent or inefficient, or otherwise unworthy of the indorsement given him, the county superintendent may revoke the same; and any teacher dismissed from a school on such grounds shall be entitled to receive payment for services only up to the time of such dismissal.

To keep register.

§ 4. It shall be the duty of each teacher of a common school to keep such a register of the school as the county superintendent may require of him; and within ten days after the close of the session he shall make a report of the entire number of pupils enrolled, and highest, lowest, and average number of pupils in attendance during the session; the books used, the branches taught, the number of pay pupils, if any, in attendance, and such other information as the county superintendent may deem of importance and interest; and he shall furnish a copy of such report to the county superintendent; and if he shall willfully neglect or fail to do this, the county superintendent shall withhold twenty dollars of his salary due, for the benefit of the district.

To enforce rules,
&c.

§ 5. Teachers shall faithfully enforce in school the course of study and the regulations prescribed in pursuance of law; and if any teacher shall willfully refuse or neglect to comply with such requisitions, the county superintendent, on petition or complaint of the trustees, may remove or dismiss him, and withhold any part of the school fund money due for teaching the school. Every teacher shall have the power and authority to hold every pupil to a strict accountability in school for

any disorderly conduct on the play-ground of the school, or during intermission or recess, and to suspend from school any pupil for good cause: *Provided*, That such suspension shall be reported in writing as soon as practicable to the trustees by the teacher; and if such action is not sustained by him, he may appeal to the county superintendent, whose decision of the case shall be final.

§ 6. The Superintendent of Public Instruction shall appoint two professional educators, who, together with himself, shall constitute a State Board of Examiners, who shall examine all the teachers applying for State certificates. The said board of examiners shall hold their sessions at the State Capitol on the first Wednesday of July, and such days succeeding as may be necessary to examine those who may apply for certificates, and at such other times and places as they may appoint, giving notice thereof to each county superintendent of a county, for the examination of teachers for the common schools. The Superintendent of Public Instruction and at least one member of the board shall be present and conduct all such examinations, and shall sign all certificates of qualification given, and affix the Superintendent's official seal thereto.

State Board of
Examiners.

§ 7. The board shall charge each applicant a fee of three dollars, the proceeds of which shall be divided between the two members of the board appointed by and acting with the Superintendent, in proportion to the services rendered by them. They shall give no certificate to any teacher unless they are satisfied that such teacher is possessed of a good moral character, knowledge of the branches of study required in the common school course, together with physiology and hygiene, and a fair ability to teach and govern a school, sufficient to warrant the giving of a certificate of the first-class; and this certificate shall entitle a teacher to teach in any of the common schools of the Commonwealth, for five years, without examination by the county board. And if a teacher holding a State certificate shall have taught continuously from the time his certificate was granted, that certificate may be renewed by the State Board without requiring such teacher to submit to another examination.

Fee.

ARTICLE X.

Teachers' Institute.

§ 1. It shall be the duty of the county superintendent of each county, with the advice, direction, and co-operation of

Teachers' institute.

the Superintendent of Public Instruction, as far as the same may be necessary, to organize and cause to be held, for the normal instruction, improvement, and better qualification of the teachers of the common schools of his county, a teachers' institute annually, between the first of July and the first of September.

Teachers to attend.

§ 2. Every teacher of a common school must attend the full session of such institute, and shall continue from year to year to do so as long as the institute shall be kept up, upon a penalty for non-attendance, if satisfactory excuse has not been rendered the county superintendent, of forfeiting his certificate. The session shall not be less than four days, during which there shall be vacation of the common schools of the county to give opportunity to the teachers to attend; and no reduction of the teacher's wages shall be made during said vacation, provided he was in attendance the full time of the session of the institute.

County Superintendent to attend, &c.

§ 3. The county superintendent of the county shall be present during the entire session of the institute, and shall keep a register of all teachers or others in attendance as pupils, of the daily exercises and proceedings, and of the progress and results of the same. The county superintendent shall collect from each teacher, or other person in attendance on the institute at the time of matriculation as pupil of same, two dollars. These fees shall form a county institute fund. Out of this fund the county superintendent shall pay all necessary expenditures in support of the institute taught and the association held. If this fund shall be found to be more than is necessary for such purposes, the county superintendent may reduce the fees accordingly.

Place of holding.

§ 4. In selecting a proper place for holding the Teachers' Institute, the county superintendent shall decide with reference to the convenience and accommodation of the place, and shall endeavor to make such arrangements as he best can for economizing and reducing the expenses of teachers while in attendance. He shall, twenty days before the Institute begins, notify by mail the trustees of his county of the time and place of holding it; and it shall be the duty of each trustee to notify promptly every teacher in his school district. The county superintendent shall likewise direct the trustees of each district to post notices thereof.

§ 5. The Superintendent of Public Instruction may appoint able and experienced normal instructors to conduct the Teachers' Institutes, whose pay shall be derived from, and paid by, the county superintendent out of the funds raised from the teachers and other members of the Institute.

Normal instructors.

§ 6. At each session of the Institutes, every subject embraced in the common school course shall be brought before the Institute, illustrated and discussed, and every feature of school organization and school management, together with the whole work of the teacher, shall be considered and the common school laws of the State read and expounded.

Subjects to be discussed.

§ 7. During the session of the Institute there may be held a County Teachers' Association, and an evening or night term of two hours may be daily set apart for this purpose. The Association may be composed of all the officers and teachers of common schools present, and shall be called together by the county superintendent; after which, the organization and proceedings of the body shall be under its own control and management. The objects of such association shall be, primarily, to discuss and devise the best ways and means of promoting the interests of common schools, and the improvement of teachers, and the methods of teaching.

Teachers' county association.

§ 8. The county superintendent shall, at the time of making his annual report to the Superintendent, also report the time and place of holding the Teachers' Institute; the name of the person conducting the same; the number of persons registered as in attendance; the sum collected by a fee of two dollars paid by each person in attendance; the number of teachers of common schools in the county who did not attend the Institute, and such other information of the proceedings and results of the Institute and Teachers' Association as he may deem of value and interest.

What report to contain.

ARTICLE XI.

District Library.

§ 1. When, by contribution, purchase, or otherwise, forty volumes can be collected for such purpose, the district trustees may organize a library in connection with the school of the district, which shall be for the use of the district in which the same is located. They may make such suitable arrangements for keeping the books and periodicals of the said library as may be necessary, and may appoint a suitable person to

District library.

take charge of the same, and to manage it according to such rules and regulations as they may prescribe: *Provided*, That none of the school revenues collected by general taxation for the purpose of common school education shall ever hereafter be used to purchase books, maps, or charts for the same.

Trustees to control, &c.

§ 2. The trustees shall have the same control over the library as over the other school property; and when it is practicable and safe, the same shall be kept in the school-house of the district; and when proper, the teacher of the school shall be appointed to act as librarian. The trustees shall be accountable for the proper care and preservation of the library, and shall have power to assess and collect all fines, penalties, and fees of membership; and they shall report annually to the county superintendent all library statistics which may be required of them, or which they may deem of importance.

Books.

§ 3. The trustees may receive donations of books, maps, charts, and other works of interest: *Provided*, No books of a sectarian, infidel, or immoral character shall be placed in the library; and any such books found therein shall be removed by the order of the trustees or the county superintendent. The library shall be free to all pupils of suitable age belonging to the schools of the district; but any resident of the district may become entitled to its privileges upon the payment of such a sum of money for membership as the trustees may prescribe.

Duty of State Board.

§ 4. It shall be the duty of the State Board of Education to prepare a list of books suitable for school libraries, which may, from time to time, be amended, revised, and enlarged, and to prepare uniform rules and regulations for the government of the same, and to prescribe penalties, fines, and conditions of membership.

ARTICLE XII.

Colored Schools

Colored schools.

§ 1. All sums arising from any donation, gift, grant, or devise, by any person whatsoever, wherein the intent is expressed that the same is designed to aid in the education of the colored children in this Commonwealth, or of any county or school district therein, shall be held and used for the purposes specified in such donation, gift, grant, or devise; and the Superintendent of Public Instruction, county superintendent of common schools of the county, and trustees of colored common

school districts shall receive such donations, gifts, grants, or devises, for the benefit of the colored schools of the State, or particular county or district respectively, and shall hold and use the same as requested by the donor or devisor.

§ 2. The commission as provided for in article 7 of this act, Districts. shall lay off the county into suitable districts, most convenient to the greatest number of colored children in each county, so that no district shall contain more than one hundred nor less than twenty colored children of pupil age.

§ 3. The number of colored children in each district, between No. of children. the ages of six and twenty years, shall be taken and reported at the same time and in the same manner as required by law for taking the census of white children.

§ 4. Colored school trustees for each colored school district shall be elected at the same time and in the same manner that Trustees--powers and duties. white trustees are elected: *Provided, however,* That no tax shall be levied upon the property or poll, or any services required of any white person to aid in building or repairing a school-house for the use of colored children; and no tax shall be levied upon the property or poll, or any services required of any colored person to aid in building or repairing a school-house for the use of white children. And no colored person shall be allowed to vote for a trustee of a white school; and no white person shall be allowed to vote for a trustee of a colored school. It shall not be lawful, under any of the provisions of this act, for any white child to attend any common school provided for colored children, or for any colored child to attend any common school provided for white children.

§ 5. The colored school officers and teachers shall be organized into teachers' institutes, for themselves, in the same manner and to the same extent as provided for in article tenth of this act. Institutes

§ 6. The State Board of Education may exercise the same powers on behalf of the colored people of this State in the establishment of a State teachers' association as provided in section 9, article 4, of this act.

ARTICLE XIII.

Fines and Amercements.

§ 1. All fines, forfeitures, and penalties imposed by this act Fines and not otherwise provided for herein, shall be enforced by indictment in the circuit court by the grand jury, and it shall

be the duty of the circuit judge to give this in charge to the grand jury.

Duty of officers. § 2. All duties which are required of any officer under this act shall be performed by them under the penalties herein prescribed, and when no penalties are prescribed, then the officer failing to perform the duties imposed, shall be guilty of a misdemeanor and subject to a fine in any amount in the discretion of a jury, and the Superintendent of Public Instruction shall give information of all failures or neglect of duty which come to his knowledge to the attorney for the Commonwealth in the county in which the failure to perform or neglect of duty shall occur.

§ 3. All fines and forfeitures recovered under this chapter shall be paid into the Treasury, and placed to the credit of the common school fund.

Local and special acts not affected. § 4. But this act is not to affect, modify, or repeal any local or special law which establishes any city or town in one district, but the same shall be governed in all respects by the local laws and authorities, and it shall in nowise affect the charter and amendments thereto of any city or town in the Commonwealth, so far as said charter and amendments relate to the public schools of said cities and towns; nor shall this act affect, modify, or repeal any local or special laws now in force for the benefit of any school, high school, seminary, college, or other institution of learning in this State.

Revise school laws. § 5. The Superintendent of Public Instruction shall annually revise the school laws, omitting all that has been repealed, and inserting in its proper place that which is amendatory.

Cities and towns. § 6. When any town or city shall have a separate representation in the Legislature, or separate school organization, such city or town shall not vote with the county in which it is situated, on the imposition of any tax to be levied in such county: *Provided, however.* That the cities of Louisville, Newport, and Covington shall not participate in the election of a county superintendent for the respective counties in which said cities are situated.

§ 7. When any family shall have any infectious or contagious disease, no member of such family shall attend any school until the trustees thereof shall allow them to do so.

§ 8. This act shall take effect and be in force from and after its passage.

Approved May 12, 1884.

CHAPTER 1335.

AN ACT to provide for and regulate the ventilation of coal mines in this State, and for the better protection of miners.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be appointed by the Governor, with the advice and consent of the Senate, an inspector of mines, who shall hold his office for four years, but shall be liable to be removed by the Governor for willful neglect of duty or malfeasance in office. Said inspector shall have a practical knowledge of chemistry, geology, and mineralogy, and shall also possess a practical knowledge of the different systems of working and ventilating coal mines, and of the nature and properties of the noxious and poisonous gases of the mines, especially fire-damp, and he shall also have a practical knowledge of mining and engineering; and said inspector shall, before he enters upon the discharge of his official duties, be sworn to discharge them faithfully and impartially, which oath shall be subscribed on his commission and certified by the officer administering it; and his commission, so indorsed, shall be filed with the Secretary of State in his office, and said inspector shall give bond in the penal sum of five thousand dollars, with surety, to be approved by the Governor, for the faithful discharge of his official duties.

Inspector to be appointed.

§ 2. Said inspector shall give his entire time and attention to the discharge of the duties of his office, and it shall be a part of his duty to visit and inspect, as often as may be necessary, all the coal mines in actual operation in Kentucky, and to see that the provisions of this act are complied with by the owners, agents, and superintendents of all the mines in this State.

Duties

§ 3. Said inspector shall have power to visit and inspect any mine which may, at the time being, be regarded as unsafe to the life and health of the employes therein engaged at work; and if, upon inspection, he finds that suitable ventilation of such mines has not been provided as the health or safety of the laborers and employes therein employed would require, or should he find that sufficient and safe means of ingress and egress have not been provided, said

Powers and duties.

inspector shall at once notify the owners or superintendent of the unsafe condition of such mine, and require him or them to proceed at once to put such mine in a safe and wholesome condition, and such mine shall forthwith be rendered safe and healthful; and for a failure of the owner, if present, or the superintendent, if the owner be absent, to comply with the directions of the inspector of mines to ventilate such mine, and to provide safe and suitable egress from such mine, within sixty days from the date of inspection, the owners and superintendent so delinquent shall be liable to a fine of fifty dollars per day for every day that such mine shall be suffered to remain in such dangerous and unhealthy condition after the expiration of the sixty days above provided in which such improvement or ventilation should be made, which fine may be recovered by indictment of the grand jury of the county in which such mine is situate.

Office.

§ 4. The inspector of mines shall keep an office in the State House at Frankfort, and shall keep a record of all the inspections made by him, and shall furnish a certified copy of his report of the inspection of any mine inspected by him to the Commonwealth's Attorney of the district in which the mine is situate on application therefor, which copy shall be admissible in evidence in any court in this Commonwealth; and shall be *prima facie* evidence of the truth of recitals therein contained.

Interest in mines
forbidden.

§ 5. Such inspector, while in office, shall not act as agent or as a manager or mining engineer, or be interested in operating any mine, and he shall, annually, on or before the tenth day of October, make report to the Governor of his proceedings and of the condition and operation of the coal mines in this State, enumerating all accidents which shall have occurred in or about the same, and giving such other information as he may deem useful, and making such suggestions as he may deem important as to further legislation on the subject of mining.

Salary, \$1,200.

§ 6. The inspector shall receive an annual salary of eighteen hundred dollars, payable monthly, and shall likewise be allowed and paid his necessary traveling expenses when

absent from his office on business connected with his department; and he shall make out and keep on file in his office maps and plans of all coal mines in operation in this State, which maps, plans, and all the books, records, and apparatus of his office he shall carefully keep, and turn over the same, with all official correspondence pertaining to his office, to his successors.

§ 7. Any vacancy in the office of inspector which may occur when the Senate is not in session, shall be filled by appointment of the Governor till the close of the next session of the Senate. Vacancy.

§ 8. There shall be provided for said inspector all instruments and chemical tests necessary for the discharge of his duties under this act, which shall be paid for on the order of the inspector, and which shall belong to the State. Instruments, &c.
to be provided.

§ 9. The owner, agent, or superintendent of every coal mine in this State shall make, or cause to be made, an accurate map or plan of the working of such mine, on a scale of not less than one hundred feet to the inch, showing the area mined or excavated, and the location and connection with such excavation of the mine of the lines of all adjoining lands, and the name or names of each owner or owners, so far as known, marked on each tract, a true copy of which map the said owner or agent shall deposit with the inspector within twelve months after the passage of this act, and another copy of which shall be kept at the office of such mine; and the owner, agent, or superintendent shall, on or before the first day of December, eighteen hundred and eighty-four, and every six months thereafter, file with said inspector a statement and plan of the progress of the workings of said mine up to said date, which statement or plan shall be so prepared as to enable the inspector to mark the same on the original map or plan herein required to be made. In event of the failure or refusal of such owner, agent, or superintendent, for two months after the time designated, to make the plan or map, or the addition thereto, the inspector is authorized to cause accurate map or plan of such mine to be made at the expense of the owner of such mine, the cost of which shall be recoverable Maps, &c.

against the owner by the person making said map or plan in any court of competent jurisdiction.

What outlets to
be provided.

§ 10. Twelve months from and after the passage of this act it shall not be lawful for the owner, agent, or superintendent of any coal mine, worked by a shaft wherein over fifteen thousand square yards have been excavated, to employ any person to work therein or to permit any person to work in such mine, unless there are to every seam of coal worked in each mine at least two separate outlets, separated by natural strata of not less than one hundred feet in breadth, by which shafts or outlets distinct means of ingress and egress are always available to the persons employed in such mine; but it shall not be necessary for the two outlets to belong to the same mine; and every shaft opened after the passage of this act shall have two such separate outlets after fifteen thousand square yards shall have been excavated; and to all other mines, whether slopes or drifts, two such openings or outlets shall be provided within twelve months after the passage of this act, provided fifteen thousand square yards have been excavated at or before the passage of this act; or if not, then within twelve months after that extent has been excavated. In case such outlets are not provided as herein stipulated, it shall not be lawful for the owner, agent, or superintendent of such mine to permit more than ten persons to work therein at one time. In case any coal mine has but one shaft, slope, or drift for the ingress or egress of the men working therein, and the owner thereof does not own suitable ground for another opening, such owner may select appropriate adjacent surface ground for that purpose, and have the same condemned, and appropriate the same by proceedings in the county court of the county where the mine is situate, similar to proceedings now allowed by law for securing a private passway.

Ventilation.

§ 11. The owner or superintendent of every coal mine, whether shaft, slope, or drift, shall provide and maintain, within nine months after the passage of this act, for every such mine, an amount of ventilation of not less than one hundred cubic feet per minute per person employed in such mine, which shall be circulated to the face of each and every

working place throughout the mine; and all mines generating fire-damp shall be kept free of standing gas, and in all mines where fire-damp is generated every working place or room shall be carefully examined every morning with a safety lamp by a competent person, before any of the workmen are allowed to enter therein.

§ 12. Coal mines, in which not more than five persons are employed at one time, shall be exempt from the provisions of this act.

§ 13. This act shall be in force from its passage.

Approved May 10, 1884.

CHAPTER 1336.

AN ACT to equalize assessments for revenue purposes, and to provide for a State Board of Equalization.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be the duty of the Governor, with the advice and consent of the Senate, to appoint one person (having the qualifications of an elector) from each Congressional district in this State, and they, together with the Auditor, shall constitute a State Board of Equalization until the successors of those so appointed shall be elected and qualified as herein-after provided.

Governor to appoint Board of Equalization.

§ 2. The qualified voters of each Congressional district shall, at the election for Representatives in Congress in eighteen hundred and eighty four, and at the same time every two years thereafter, elect one of their number to serve as a member of said Board of Equalization, who shall hold his office for two years, and until his successor is elected and qualified. The returns of the poll-books and certificates of election shall be governed by the laws regulating the election of members of Congress; and in case of vacancy occurring in said Board by death, resignation, or otherwise, it shall be the duty of the Governor to appoint some person (having the qualifications of an elector in the district in which such vacancy occurs) to fill the same until the next regular election for members of said Board.

When to be elected.

Oath. § 3. Each member of said Board, before entering upon the duties of his office, shall take the oath (or affirmation) prescribed by the Constitution of this State.

Organization. § 4. At the first meeting of said Board, it shall organize by selecting one of its members as chairman, and appointing a Secretary; and may, from time to time, select such employes as may be deemed necessary. The secretary shall take the oath prescribed by the Constitution.

Secretary to compile assessments. § 5. It shall be the duty of the secretary of said Board, under the direction of the Auditor of Public Accounts, to compile the assessments received from the county clerks into tabular statements, convenient for the use of the Board; which statements shall be submitted to the Board on the first day of its session in each year, or as soon thereafter as the Board is organized. The secretary shall perform such duties in vacation as shall be assigned to him by the Board.

To assemble 10th day of June. § 6. Said Board shall assemble at the State Capital on the tenth day of June, annually, and examine the assessments of property assessed for taxation in the several counties of this State, as returned to the Auditor, and shall equalize the assessments as hereinafter provided; but said Board shall not reduce the aggregate assessed valuation in the State; neither shall it increase said aggregate valuation, except in such an amount as may be reasonably necessary to a just equalization.

Property classified. § 7. Said Board, in equalizing the valuation of property as listed and assessed in different counties, shall consider the following classes of property separately, viz: personal property, lands, and town and city lots; and, upon such consideration, determine such rates of addition to or deduction from the listed or assessed valuation of each of said classes of property in each county, or to or from the aggregate assessed value of each of said classes in the State, as may be deemed by the Board to be equitable and just—such rates being in all cases even.

Personal property—how equalized. § 8. In equalizing the value of personal property between the several counties, said Board shall obtain from the aggregate footings of the number and value of each; and the value of the several kinds of enumerated property in each

county shall be obtained at those values; and the value of enumerated property thus obtained, as compared with the assessed value of such property in each county, shall be taken by said Board to obtain a rate per cent. to be added to or deducted from the total assessed value of personal property in each county: *Provided*, That whenever, in the opinion of the Board, it is necessary, to a more just and equitable equalization of personal property, that a rate per cent. be added to or deducted from the value thus obtained in any one or more of the counties, said Board shall have the right so to do; but the rate per cent. hereinbefore required shall first be obtained to form the basis upon which the equalization of personal property shall be made.

§ 9. Lands shall be equalized by adding to the aggregate assessed value thereof, in every county in which said Board may believe the valuation to be too low, such rate per centum as will raise the same to its proper proportionate value, and by deducting from the aggregate assessed value thereof, in every county in which said Board may believe the valuation to be too high, such per centum as will reduce the same to its proper value. Town and city lots shall be equalized in the same manner herein provided for equalizing lands, and, at the option of said Board, may be combined and equalized with lands.

Lands—how
equalized.

§ 10. When said Board shall have separately considered the several classes of property as hereinbefore required, the results shall be combined into one table, and the same shall be examined, compared, and perfected, in such manner as said Board shall deem best to accomplish a just equalization of assessments throughout the State, preserving, however, the principle of separate rates for each class of property.

Results tabu-
lated.

§ 11. In all cases of partial return from any county, the Board of Equalization may estimate the valuation in the towns or districts from which returns have not been received, and may equalize the total valuation as in other cases. And in all cases of failure on the part of any county clerk to furnish the proper returns of the assessment of his county to the Auditor prior to or during the meeting of the Board of Equalization in each year, said Board may, by order, au-

Partial returns

thorize the Auditor to equalize the assessment of such county when full returns have been received by him.

To be certified to
Auditor

§ 12. When said Board shall have completed its equalization of assessments for any year, the chairman and secretary shall certify to the Auditor the rates finally determined by said Board to be added to or deducted from the listed or assessed valuation of each class of property in the several counties, and also the amounts assessed by said Board; and it shall be the duty of said Auditor, under his seal of office, to report the action of the Board to the several sheriffs immediately after the adjournment of said Board.

Report to be published.

§ 13. A report of the proceedings of said Board of Equalization shall be published, annually, in pamphlet form, and one thousand copies thereof printed, of which number each member shall be entitled to fifty copies, the Auditor to two hundred copies, and the remainder thereof shall be distributed by the Secretary of State to the several counties in proper proportion. Said distribution shall be made by mail or express, immediately upon the receipt of said report from the Public Printer, the cost of such distribution to be paid by the Treasurer of State out of any money in the Treasury not otherwise appropriated.

Librarian to furnish, &c.

Compensation.

§ 14. The State Librarian shall furnish such printing, fuel, lights, and rooms as may be necessary for the transaction of the business of said Board. Each member of said Board shall receive for his services the sum of five dollars per day during its sessions, and ten cents per mile for each mile necessarily traveled in going to and returning from the Seat of Government, to be computed by the Auditor of Public Accounts, and no other allowance or emolument, directly or indirectly, for any purpose whatever, except the sum of ten dollars per session to each member, which shall be in full for postage, stationery, newspapers, and all other incidentals and perquisites. The pay and mileage allowed to each member of said Board, and the pay allowed to its secretaries and employes, shall be certified by the chairman of the Board to the Auditor of Public Accounts, who shall issue his warrants on the State Treasurer therefor. Said Board may employ one page at two dollars per day, three secretaries at

Page and secretaries.

five dollars per day each, and one janitor or door-keeper at three dollars per day. Two-thirds of the whole number of members shall constitute a quorum, and said Board may adjourn from time to time until the business before it is disposed of.

§ 15. All rates for taxes, hereinafter provided for, shall be extended by said secretaries on the assessed valuation of property, as equalized and assessed by the State Board of Equalization.

Rates to be extended.

§ 16. Said secretaries shall extend the rates of addition or deduction ordered by the State Board of Equalization, in columns provided for that purpose. The rates per cent. ordered by the State Board of Equalization shall be extended on the assessed valuation of property, as corrected and equalized by the county board; said rates shall be extended on the listed valuations of such designated property. In all cases of extension of valuations, where the equalized valuation shall happen to be fractional, the clerk shall reject all such fractions as may fall below fifty cents; fractions of fifty cents or more shall be extended as one dollar.

Secretaries to extend rates, &c.

§ 17. It shall be the duty of the Auditor to make, in each assessor's book, a certificate of the rate of deduction or addition determined by the State Board of Equalization in the county to which such books shall pertain.

Auditor.

§ 18. The Auditor shall make out, over his hand and official seal, a certificate of the action of the Board of Equalization, which shall be transmitted to the county clerk, and by him affixed to the assessor's book for the said year, and shall be the warrant of authority to the sheriff or collector for the collection of taxes, as therein set forth.

To be transmitted to clerk, &c.

§ 19. This act to take effect from its passage,

Approved May 10, 1884.

CHAPTER 1337.

AN ACT prescribing certain duties of, and regulating the fees which shall be collected by, the Register of the Land Office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Register of Land
Office to keep ac-
count of fees.

§ 1. That from and after the passage of this act it shall be the duty of the Register of the Land Office to keep in his office a well-bound book, in which he shall cause to be entered an accurate account of all fees required by law to be collected and accounted for by him, specifying therein the date when same are received, the person from whom received, and the nature of the service rendered by him therefor. And any Register who shall willfully fail or refuse to keep in his office such book, or to cause the aforesaid entries to be made therein, shall be deemed guilty of a misdemeanor, and be subject to indictment by the grand jury of the Franklin circuit court, and, upon conviction thereof, shall be fined in a sum of not less than one hundred nor more than one thousand dollars, in the discretion of the jury.

Fees

§ 2. That, in lieu of the fees now provided by law, the Register of the Land Office shall, from and after the passage of this act, be required to collect and pay over to the Treasury, as now provided by law, the following fees, viz : For filing and registering a plat and certificate of survey, and issuing and recording patent thereon, one charge, which shall be paid before survey is filed, but not to apply to surveys heretofore filed in the Register's office, two dollars and fifty cents; for filing a caveat, twenty-five cents; for filing copy of judgment of a court in cases of caveat, mandamus, or other proceeding affecting the Land Office or the duties of the Register, twenty-five cents; for issuing a land warrant, one dollar; for each official certificate, with seal of office affixed, one dollar; for an attested copy of a patent or survey, with seal of office affixed, one dollar; for copy of a plat, fifty cents; for copy of an entry or land warrant, fifty cents; for copy of an assignment, twenty-five cents; for copy of a caveat, two cents for every twenty words; for copy of any writing not specifically provided for, two cents for every twenty words.

§ 3. That it shall not be lawful for the Register to issue a patent on any plat and certificate of survey until the expiration of three months from the filing of same in his office.

Patent—when to issue.

§ 4. That hereafter neither land warrants nor certificates of survey shall be assignable so as to authorize a patent to issue thereon to the assignee thereof; but this section shall not be so construed as to interfere with or prohibit the issuing of patents in conformity with laws which were in force at the time such assignments were made.

Land warrants and certificates not assignable.

§ 5. That in cases where land warrants have heretofore been assigned and surveys have heretofore been made or shall hereafter be made in the name of such assignee, the Register may issue a patent thereon; but this section shall not be so construed as to authorize the issuing of a patent for more than two hundred acres to any one person in any one county.

§ 6. That hereafter plats and certificates of survey shall not be recorded, but all such plats and certificates of survey heretofore or hereafter filed shall be carefully preserved and systematically arranged by the Register in his office, and it shall be the duty of the Register to have prepared a full and complete index of such plats and certificates, and likewise to cause the index to grants now in his office to be corrected and recopied into well-bound books which shall be provided therefor.

To be filed

§ 7. That all laws and parts of laws in conflict herewith are hereby repealed.

§ 8. This act shall take effect from and after its passage.

Approved May 12, 1884.

CHAPTER 1343.

AN ACT to amend section twelve, chapter one hundred and ten, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section twelve, chapter one hundred and ten, of the General Statutes, be, and the same is hereby, amended

Sec. 12, chapter 110, page 823 amended.

as follows, viz: That the word "wooden" be stricken out of said section.

§ 2. This act shall take effect from and after its passage.

Approved April 12, 1884.

CHAPTER 1344.

AN ACT to amend an act, entitled "An act to amend section two, article one chapter fifty five, of the General Statutes," approved April eighth, one thousand eight hundred and eighty-four.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Act of April 8,
1884, amended.

§ 1. That an act, entitled "An act to amend section two, article one, chapter fifty-five, of the General Statutes," approved April eighth, one thousand eight hundred and eighty-four, be amended by striking out the last section of said act, and inserting in lieu thereof sections two, three, four, and five of this act.

Gallatin county.

§ 2. This act shall be submitted to the legally qualified voters of Gallatin county at the regular August election in one thousand eight hundred and eighty-four, and if a majority of the legally qualified votes cast for and against the adoption of this act shall be in favor of adoption, then this act shall take effect and be in full force and effect from the time said fact shall be ascertained by the county comparing board. If, however, a majority of the votes cast for and against the adoption of this act shall be against adoption, then this act shall be null and void and not take effect.

§ 3. If a majority of the votes cast as above provided shall be in favor of adoption, then it shall be the duty of the county comparing board to duly certify that fact to the judge of the Gallatin county court, who shall cause said certificate, by order of said court, to be spread at large upon the order-book of said court, at its first regular term occurring after said election.

§ 4. It shall be the duty of the sheriff of said county to cause a poll to be opened in each voting precinct in said county, for the purpose of taking the sense of the qualified voters as above provided.

§ 5. And he shall cause due notice of the time and purpose of said election to be given, by causing to be published in the Warsaw Independent a notice of the time and purpose of said election, and by causing this act to be published in said paper in two weekly issues of said paper for at least three weeks before the time of holding said election.

§ 6. This act shall take effect from and after its passage.

Approved May 12, 1884.

CHAPTER 1348.

AN ACT to authorize the receipt of the fourth installment of the surplus revenue authorized to be deposited in this State by act of Congress, approved June twenty three, one thousand eight hundred and thirty six.

WHEREAS, The General Assembly of the Commonwealth of Kentucky, by an act approved December the sixteenth, one thousand eight hundred and thirty-six, authorized and required the Treasurer of this Commonwealth to receive from the Secretary of the Treasury of the United States the proportions of the surplus revenue required to be deposited in the Treasury of this Commonwealth, according to the provisions of an act of Congress, entitled "An act to regulate the deposits of the public money," approved on the twenty-third of June, one thousand eight hundred and thirty-six; and whereas, three proportions or installments of said surplus revenue, amounting to the sum of one million four hundred and thirty-three thousand seven hundred and fifty-seven dollars and thirty-nine cents, were duly received and deposited, according to the terms of said acts; and whereas, the fourth proportion or installment of said surplus revenue, amounting to the sum of four hundred and seventy-seven thousand nine hundred and nineteen dollars and thirteen cents, was not received, nor has yet been received, according to the terms of said acts; and whereas, sections thirteenth and fourteenth of said act of Congress, authorizing the payment of the fourth proportion or installment of said surplus revenue, have never been repealed by Congress, and are therefore still in force; and whereas, in the act approved February the sixteenth, one thousand eight hundred and

thirty-eight, establishing a system of common schools in the State of Kentucky, it is provided in section first " that if, at any future time, the fourth installment of the surplus revenue of the United States shall be paid over to the State of Kentucky, or such portion of it as may be her distributive share, the sum of one hundred and fifty thousand dollars of said fund shall be, and is hereby, dedicated and forever set apart to the purposes of education under the provisions of this act ; " and whereas, it is represented that there is now lying idle in the Treasury of the United States a large surplus of its revenue, not required to defray the existing charges imposed by Congress upon the Treasury, and not available for the purposes of paying any portion of its bonded indebtedness ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Governor of this Commonwealth be, and
Governor, duties. he is hereby directed to take such steps as may be, in his judgment, necessary to secure the transfer of the aforesaid fourth proportion or installment of deposits directed to be made with this Commonwealth by the aforesaid act of Congress, approved on the twenty-third of June, one thousand eight hundred and thirty-six, amounting to the aforesaid sum of four hundred and seventy seven thousand nine hundred and nineteen dollars and thirteen cents, to the Treasury of this Commonwealth.

§ 2 The Treasurer of this Commonwealth is hereby fully
Treasurer empowered to receive, &c. empowered and authorized, as any sum or sums may, from time to time, be delivered to him by the Secretary of the Treasury of the United States, for or on account of said proportion or installment which may, as aforesaid, be deposited with this State, to sign and deliver to the said Secretary of the Treasury such certificate or certificates of deposit thereof as are now prescribed by, or may be required by virtue of the provisions of the act of Congress recited in the first section of this act, and to do and perform, upon the faith and responsibility of this State, any act necessary to entitle him, as the authorized fiduciary of the State, to receive such deposit.

§ 3. That the Governor of this Commonwealth is hereby directed, in the name and by the authority of the General Assembly of this Commonwealth, to execute a bond for the aforesaid sum, if any, that may be received from the Treasury of the United States, in the following form and on the following conditions, to-wit :

§—— COMMONWEALTH OF KENTUCKY.

The Commonwealth of Kentucky is hereby bound to pay ^{Bond.} to the State Board of Education the sum of ———, with interest thereon at the rate of six per centum per annum, payable on the first day of July and the first day of January, in each year, from the first of ———, 188—, until the payment of the principal sum, which is payable at the pleasure of the General Assembly of this Commonwealth. This bond is held in trust by the said Board of Education for the exclusive benefit of the Common School System of Kentucky, and the interest thereon shall be distributed annually for the benefit of the common schools of this Commonwealth, as the interest on the existing bond of this Commonwealth, of the date of April the eighteenth, one thousand eight hundred and seventy, is now distributed.

§ 4. This act shall take effect from and after its passage.

Approved April 12, 1884.

CHAPTER 1350.

AN ACT to take the county of Robertson out of the chancery court district composed of the counties of Bracken, Campbell, Harrison, Kenton, Pendleton, and Robertson, and put Nicholas county in said district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That terms of the chancery court shall no longer be held in the county of Robertson, and that the chancellor of the chancery court district mentioned in the title to this act shall hold chancery terms in Nicholas county, which is hereby added to said chancery district, on the third Mondays of November and March of each year, each term to continue six days, if the business shall require six days.

Robertson county.

How docketed

§ 2. The clerk of the Robertson circuit court will put upon the docket of said court, for further consideration and determination, all causes pending and on the docket of the chancery court of said county, and the clerk of the Nicholas circuit court, who will be *ex officio* clerk of the chancery court of said county of Nicholas, will procure a seal and suitable record and other books for the chancery court of said county, and he will place upon the docket thereof, for further consideration and determination, all causes on the equity docket of the Nicholas circuit court; and equity actions in said county will hereafter be brought to the chancery court of said county, and equity actions in Robertson county will hereafter be brought to the circuit court of said county.

§ 3. This act shall take effect and be in force from its passage.

Approved May 12, 1884.

CHAPTER 1372.

AN ACT to amend section thirty, article one, chapter ninety-four, of the General Statutes

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 30, art. 1,
chap. 94, page 7,
General Statutes,
amended.

§ 1. When any wagon, plow, draught horse, oxen, gear or driver, shall be necessary for making, altering, or repairing of any road, bridge, causeway, or culvert in Wayne county, if the surveyor cannot obtain the use of them by contract, any justice of the peace may by his warrant empower the surveyor to impress such carriage, plow, draught horse, oxen, gear and driver, as may be necessary, belonging to any person in his precinct. The surveyor shall have the services of such carriage, plow, draught horse, oxen and driver as he may impress valued for the time he uses the same, by two disinterested persons, whose valuation, certified by the surveyor, or his certificate of the amount agreed to be paid by him when he obtains the same by contract, shall entitle the owner to have the same levied at the next court of claims: *Provided*, The person owning such carriage,

plow, draught horse, oxen and gear, is not subject to work on said road, and if subject to work on said road, he shall be exempt from working on said road two days for each day he furnishes said team and carriage, or team and plow; and if any person furnishing said team and carriage, or team and plow, is not subject to work on said road, and has minors subject to work on said road, they or either of them shall be exempt from working on said road two days for each day such team and carriage, or team and plow is furnished on said road. All acts and parts of acts in conflict with this act are hereby repealed: *Provided*, That the provisions of this act shall apply only and solely to the county of Wayne.

§ 2. This act to take effect and be in force from and after its passage.

Approved May 10, 1884.

CHAPTER 1379.

AN ACT to amend an act fixing the time of holding the county court of Barren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to fix the time of holding the county court of Barren county," approved March sixth, one thousand eight hundred and eighty-two, be, and the same is hereby, amended by striking out of said act the following words: "*Provided*, That there shall be no county court held in said county, at any regular term, when the circuit court for said county is in session."

Act of 1882
amended.

§ 2. That this act shall take effect from and after its passage.

Approved May 9, 1884.

CHAPTER 1386.

AN ACT to amend section sixth, article thirty-five, chapter twenty-nine, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section sixth, article thirty-five, chapter twenty-nine, of the General Statutes, be amended as follows: Strike from said section the third and fourth line thereof.

Sec. 6. art. 35,
chap. 29, page -,
General Statutes,
amended.

Approved May 10, 1884.

CHAPTER 1397.

AN ACT to secure the payment of the necessary expenses of sheriffs, constables, and other peace officers of this Commonwealth, incurred in conveying persons from one county to another, on behalf of the Commonwealth, on any writ, process, or warrant, except in felony cases, to be paid by the county to which such persons are taken.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all sheriffs, constables, and other peace officers of this Commonwealth, who, in obedience to any writ, process, or warrant, except in felony cases, issued on behalf of the Commonwealth, from a county other than their own, shall arrest any person or persons, and convey same to such other county, shall be entitled to receive from said county payment for all necessary expenses incurred by them in arresting and conveying such persons as aforesaid, upon the presentation in writing, by the officer making the arrest and conveyance, to the judge of the county court of said county, supported by his affidavit, of an itemized account of his expenses actually incurred in the rendition of said services.

Compensation to
sheriffs, &c.

§ 2. Upon the presentation of said itemized account as aforesaid to the judge of said county, said judge, if he is satisfied with its correctness, shall draw a warrant or order in favor of said officer on the sheriffs, or other proper officer of said county, for the amount of said account, who, upon its presentation, shall pay same out of any funds he may have in his hands belonging to said county not otherwise appropriated, which warrant or order, when paid and prop-

How allowed and
paid.

erly receipted, 'shall be a voucher to the sheriff or other proper officer in his settlement with the county.

§ 3. All acts and parts of acts in conflict with this act are hereby repealed.

§ 4. This act shall take effect from and after its passage.

Approved May 10, 1884.

CHAPTER 1401.

AN ACT for the relief of the Superintendent of Public Instruction.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, on account of a part of the extra, but necessary, clerical services performed by two extra clerks, temporarily employed in the office of the Superintendent of Public Instruction, he is hereby authorized to draw his draft on the Auditor of Public Accounts for the sum of two hundred and thirty-four dollars (\$234), payable out of any money in the Treasury not otherwise appropriated.

Allowance to extra clerks.

§ 2. This act shall take effect from its passage.

Approved May 12, 1884.

CHAPTER 1405.

AN ACT to extend the court of common pleas in the first judicial district to include the county of Graves, for the trial of equity causes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of common pleas in the first judicial district be extended to include the county of Graves in said district; and the present judge thereof, and his successors in office, shall preside therein. That said court of common pleas shall have original jurisdiction, in said county, of all equity causes.

Graves county.

§ 2. There shall be two terms of the court of common pleas in each year in said county for the trial of equity causes, to commence on the first Mondays in January and July, and continue at each term eighteen juridical days if the business of the court requires it; the first term of said

Term of court.

court for said county to commence on the first Monday in July, one thousand eight hundred and eighty four.

Cases to be transferred.

§ 3. It shall be the duty of the clerk of the Graves circuit court to transfer from said circuit court to the common pleas court, twenty days before the first day of the next July term of said court of common pleas, all the equity causes on file in the circuit court in which judgments have not been rendered; and all equity actions brought in said county after this act goes into effect shall be brought to and filed in said court of common pleas.

§ 4. The law establishing and regulating the court of common pleas for the counties of McCracken, Ballard, and Hickman, in the first judicial district, shall apply to the court of common pleas in Graves county, so far as the same applies to equity causes.

§ 5. This act shall be in force from its passage.

Approved May 8, 1884.

CHAPTER 1419.

AN ACT to amend section one article one, of chapter ninety-two, of the General Statutes, title "Revenue and Taxation."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Five cents additional tax.

§ 1. That in addition to the tax now imposed by law, there is hereby levied five cents upon each one hundred dollars of value of the real and personal estate directed to be assessed for taxation, due and payable the year assessed, and to be paid by the owner or person assessed, for the ordinary expenses of government; but the additional tax hereby levied shall be collected only for the years one thousand eight hundred and eighty-four and one thousand eight hundred and eighty-five.

§ 2. It shall be the duty of the Auditor to cause printed copies of this act to be sent to the several sheriffs and collecting officers of this State immediately after its passage.

§ 3. This act shall take effect from its passage.

Approved May 10, 1884.

CHAPTER 1420.

AN ACT to amend articles five and six, chapter ninety-two, of the General Statutes, title "Revenue and Taxation."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That articles five and six, chapter ninety-two, of the General Statutes, title "Revenue and Taxation," be amended as follows: The value required to be fixed by the assessor and his assistants upon all estate listed with them for taxation, as specified in the fifteenth and sixteenth sections of article five, shall be the cash or money value of such property or estate, upon the basis of a sale for cash, as of date the tenth of January as to all except goods and groceries of merchants, manufacturers, and grocerymen, which goods and groceries shall be valued as of date the first of April in each year.

Arts. 5 and 6 of chap 92, page -. General Statutes, amended.

§ 2. It shall be the duty of the assessor and his assistants, before returning their tax-books in each year, to make and subscribe to the following additional oath, on the back of said books, before the judge or clerk of the county court, to-wit: "I, ———, assessor, or assistant assessor, of——— county, do swear that I have not received from any person a list of taxable property and returned the same herein, at a less value, nor at a greater value than the true cash value of same at the date fixed for its assessment, according to my best judgment."

Assessor's duties.

§ 3. The assessor and his assistants shall make of the blank forms furnished under article four, chapter ninety-two, a blotter-book for each assessment district in the county, to be used in taking all lists of said district; and no list shall be taken without the presence of said book, and questions asked as indicated in the heading to each blank column of same.

Blank forms.

§ 4. Amend section five of article six by adding after the word "proper," and before the word "value," in the sixth or last line, the word "cash."

Cash.

§ 5. No allowance to the assessor or his assistants shall be made or certified by the county court, if the provisions of section two of this act be not complied with.

§ 6. All acts or parts of acts in conflict with this act are hereby repealed.

§ 7. It shall be the duty of the Auditor of Public Accounts to have this act printed in circular form, and mail a copy to each county judge and assessor of this Commonwealth, as soon as convenient after its passage.

Approved May 12, 1884.

CHAPTER 1422.

AN ACT to regulate the time of holding the circuit courts in the fifteenth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That from and after the passage of this act that the
Terms regulated. circuit courts of Perry county shall commence on the Mondays succeeding the Knott circuit courts, and continue six juridical days, and that the Leslie circuit courts shall commence on the Mondays succeeding the Perry circuit courts, and continue twelve juridical days at each term, provided the business of the courts require it.

§ 2. This act to take effect from and after its passage.

Approved May 12, 1884.

CHAPTER 1424.

AN ACT regulating the holding of circuit and criminal courts in the sixteenth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the circuit courts of the sixteenth judicial district shall be commenced and held the number of judicial days hereinafter stated, if the business shall require it, viz :

Lawrence.

Beginning in the county of Lawrence on the second Mondays of February and August, and continue twenty-four days each.

Carter.

Beginning in the county of Carter on the second Mondays of March and September, and continue twenty-four days each.

Beginning in the county of Pike on the second Mondays of April and October, and continue twelve days each. Pike.

Beginning in the county of Floyd on the fourth Mondays of April and October, and continue twelve days each. Floyd.

Beginning in the county of Magoffin on the Monday succeeding the termination of the Floyd circuit court, and continue six days each. Magoffin.

Beginning in the county of Johnson on the Monday succeeding the termination of the Magoffin circuit court, and continue six days each. Johnson.

Beginning in the county of Martin on the Monday succeeding the termination of the Johnson circuit court, and continue each six days. Martin.

Beginning in the county of Boyd the first Mondays of June and December, and continue each twenty-four juridical days. Boyd.

§ 2. That the criminal courts in said district shall commence at the times and be held the number of juridical days hereinafter stated, if the business shall require, viz: Criminal courts.

Beginning in the county of Pike on the last Mondays of February and August, and continue each twelve days. Pike.

Beginning in the county of Floyd on the second Mondays of March and September, and continue each eighteen days. Floyd.

Beginning in the county of Magoffin on the Monday succeeding the termination of the Floyd criminal court, and continue each six days. Magoffin.

Beginning in the county of Johnson the Monday succeeding the termination of the Magoffin criminal court, and continue each six days. Johnson.

Beginning in the county of Carter the second Mondays of April and October, and continue each eighteen days. Carter.

Beginning in the county of Boyd on the first Mondays of May and November, and continue each eighteen days. Boyd.

Beginning in the county of Martin on the first Mondays in June and December, and continuing each six days. Martin.

Beginning in the county of Lawrence the fourth Mondays of June and December, and continue each twenty-four days. Lawrence.

§ 3. That all acts touching the holding of said courts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect on the first day of August, one thousand eight hundred and eighty-four.

Approved May 12, 1884.

CHAPTER 1427

AN ACT to provide bibles and testaments for the convicts of the Penitentiary and the inmates of the charitable institutions of the State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Appropriation
for bibles for con-
victs.

§ 1. That for the purpose of supplying the convicts of the Penitentiary and the inmates of the several charitable institutions of this State, with bibles and testaments during the ensuing two years after the passage of this act, there is appropriated out of the Treasury of the State the sum of three hundred dollars, one hundred and fifty dollars to be used, if needed, each year as hereinafter provided.

Duty of chaplain
and superintend-
ents.

§ 2. As soon as conveniently can be done, the chaplain of the Penitentiary, and the superintendents of the several charitable institutions of the State, shall ascertain the number of bibles and testaments wanted and needed by the inmates of the institutions with which they are respectively connected, and make out a list of the same, which lists they shall, without delay, file with the Superintendent of Public Instruction, who shall from said lists ascertain the number of each kind of books needed, and the price at which suitable bibles and testaments, without note or comment, can be bought, and if the cost of the required number of such bibles and testaments shall not exceed one hundred and fifty dollars, said Superintendent of Public Instruction shall file a statement of the number of books needed and the amount of money required to purchase them with the Auditor of the State, who shall thereupon draw his warrant on the Treasury in favor of said Superintendent for the amount of money required, not exceeding for the first year the sum of one hundred and fifty dollars.

Superintendent
of Public Instruc-
tion.

§ 3. The said Superintendent of Public Instruction shall, as soon as he shall receive said money, purchase the required number of suitable bibles and testaments, without

note or comment, and deliver to the said chaplain, and the superintendents of the several charitable institutions, the number of said books, to which each shall be entitled according to the reported lists furnished him, and take receipt for the same, which receipts he shall file in his office.

§ 4. The said chaplain and superintendents, upon receipt of said books, shall deliver them to those wanting and needing them, and return to the Superintendent of Public Instruction a statement showing the number and to whom delivered, which statement said Superintendent shall file and keep in his office: *Provided*, If any inmate of said institutions desires a prayer book of any Christian denomination in lieu of a bible or testament, it shall be the duty of the officer having the matter in charge to furnish said prayer-book to such inmate.

Statement to be rendered.

§ 5. If the cost of the number of suitable books needed be greater than one hundred and fifty dollars, then said Superintendent shall buy as many books, having regard to the number of each kind applied for, as said money will purchase, and deliver the same in proportion to the several numbers as shown by the lists in the applications for said books.

§ 6. At the expiration of one year from the passage of this act, said chaplain of the penitentiary and superintendents of said charitable institutions shall make out similar lists of bibles and testaments needed by the inmates of said institutions and file them as hereinbefore directed, and the Superintendent of Public Instruction shall, in the manner prescribed, file his statement with the Auditor for the second year, who shall draw his warrant, as directed for the first year, for the required amount of money, not exceeding one hundred and fifty dollars, and the said Superintendent of Public Instruction shall purchase and deliver the books as directed for the first year, and the said chaplain and superintendents of charitable institutions shall make distribution and report as directed herein for the first year's distribution.

Distribution second year.

§ 7. This act shall be in force from and after its passage.

Approved May 12, 1884.

CHAPTER 1428.

AN ACT in regard to any national educational bill that may provide for the distribution of any national educational fund.

Preamble

WHEREAS, It appears by a recent action of the United States Senate, that a national educational bill for the distribution of a national educational fund may be, in some form, adopted by the Congress of the United States before the meeting of the next session of the General Assembly of this Commonwealth; and whereas, any benefit that may accrue from such fund to any State may depend upon the formal acceptance of its *pro rata* of the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Educational fund

§ 1. That the Governor of this Commonwealth be, and is hereby, authorized and empowered to accept the *pro rata* of any national educational fund for this Commonwealth: *Provided*, That the acceptance of the same, on any of its conditions, will not conflict with the Constitution of this State or with any of the laws relating to the common schools of this Commonwealth.

§ 2. This act shall be in force from its passage.

Approved May 12, 1884.

CHAPTER 1442.

AN ACT to change the time of holding the spring term of the Nicholas county circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Nicholas circuit court—terms of.

§ 1. That the spring term of the Nicholas circuit court will hereafter begin on the fourth Monday in March of each year, and continue twelve juridical days, if the business of said court shall require twelve days.

§ 2. This act shall take effect and be in force from its passage.

Approved May 12, 1884.

CHAPTER 1457.

AN ACT to repeal an act to establish the Robertson county chancery court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Robertson chancery court be, and the same is hereby, abolished, and the jurisdiction heretofore belonging to said court is hereby vested in the Robertson circuit court.

Robertson chancery court abolished.

§ 2. All cases now pending in said chancery court shall stand for trial in the circuit court on the equity docket at the next regular term thereof.

§ 3. This act shall take effect from and after its passage.

Approved May 8, 1884.

CHAPTER 1464.

AN ACT to declare the Right and Left Fork of Beaver creek, in Floyd county, navigable streams.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Right and Left Forks of Beaver creek, in Floyd county, be, and they are hereby, declared navigable streams for all intents and purposes, so far up said forks as the same may be used for floating or drifting logs or staves: *Provided, however,* Nothing in this act shall be construed to interfere with any mill or other dam that may be across said creek, and is so arranged as not to obstruct the floating out of any logs or staves of said creek.

Right and Left Forks of Beaver creek navigable.

§ 2. This act shall take effect from its passage.

Approved May 12, 1884.

CHAPTER 1486.

AN ACT to amend an act, entitled "An act to provide for the relief of the Penitentiary," approved May three, one thousand eight hundred and eighty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section six of an act, entitled "An act to provide for the relief of the Penitentiary," approved May three,

Act of May, 1880, for relief of penitentiary amended

one thousand eight hundred and eighty, be, and the same is hereby, amended so as to read as follows: "Section six. That the Commissioners of the Sinking Fund are hereby authorized and directed to let and hire the labor of all convicts who are or may be in the Kentucky Penitentiary, except those who are now prohibited by law from working out, to be employed upon public works within this State, such as the construction and improvement of railroads, canals, water-ways, and levees, and in mining. And all convicts so hired out shall be confined at night, and at all times when not at work, in houses or stockades built or rented for the purpose: *Provided*, That no one convicted of murder, rape, attempted rape, or arson, or who has a longer period than five years to serve, shall be so let or hired; and no convict shall be worked within the corporate limits of any city or town, nor quartered within two miles thereof, nor within one fourth of a mile of a private residence, unless by written consent of the resident: *Provided, however*, That the provision in regard to quartering convicts shall not apply to those engaged in mining.

Sec. 7 amended.

§ 2. That section seven of said act to which this is an amendment be, and the same is hereby, amended by striking out the word "two" in the sixth line of the said seventh section, and insert in lieu thereof the word "four," so that the sentence which contains the word "two" shall read as follows: "The advertisement shall specify the number of men whose labor is to be let, the length of time, which shall not exceed four years, nor be less than six months."

Commissioners' duties.

§ 3. That the following be added to said act to which this is an amendment: "The Commissioners of the Sinking Fund, in letting or hiring out the convicts, as provided in this act, and the act to which it is an amendment, shall reserve the right, upon giving the lessee or hirer of said convicts sixty days' written notice, to withdraw from his control as many able-bodied male convicts as may be profitably employed in the work upon a branch prison. And in the event that any convicts are so demanded by the Commissioners and surrendered by the lessee or hirer of the said convicts, the lessee shall be released from his obligation to pay the

stipulated price for the number so withdrawn. Nothing in this section shall be construed so as to prevent the State from employing any hirer or lessee of said convicts to work them in the erection of a Branch Penitentiary."

§ 4. In making contracts for the lease of said convicts, the Commissioners of the Sinking Fund shall reserve in the contract the right to require a return of the prisoners working without the wall of the prison at any time, when there shall be provided rooms and accommodation for said convicts either within the present prison, or any branch prison that may be erected: *Provided, however,* That before such withdrawal shall be made, at least six months' written notice shall be given by the Commissioners to the lessee or lessees having said convicts in charge. Contracts.

§ 5. This act shall take effect and be in force from and after its passage, but shall not affect any existing contract between the Commissioners of the Sinking Fund and any lessee or lessees of any convicts.

Approved May 10, 1884.

CHAPTER 1491.

AN ACT to amend an act, entitled "An act to endow and establish an Asylum for the Tuition of the Deaf and Dumb, at Danville, Kentucky," approved December seven, one thousand eight hundred and twenty-two.

WHEREAS, It is expedient as well as just to make present and adequate provision for the care and education of the colored deaf and dumb children of this Commonwealth; and whereas, the co-education of the two races is both inexpedient and unadvisable; and whereas, wise economy and due efficiency require that the education of both races should be under the same management; and whereas, a State Institution is already located at Danville, Kentucky, for the education of white deaf mutes; therefore, Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an institution for the education of the colored deaf mutes be established at Danville, Kentucky, which shall be under the general control and management of the same board of commissioners as now have charge of the institu- Provision for colored deaf mutes.

tion for the white deaf-mutes. But the two races shall be forever kept entirely separate and distinct from each other.

Appropriation

§ 2. That the sum of five thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enlarge and prepare the buildings now owned by the State at Danville, known as the "Tompkins property," for the purpose aforesaid, separate and apart from the premises and buildings now occupied by the institution of the white deaf-mutes.

Teachers and officers to be employed.

§ 3. That when the aforesaid buildings shall have been prepared and made ready for the reception of pupils, then the colored deaf and dumb shall be admitted on the same terms as are now applicable to the white deaf and dumb, and shall be entitled to receive the same per capita for support as is now provided by law for the white pupils; and the further annual appropriation of twenty-five hundred dollars, or so much thereof as may be necessary for the purpose hereafter named, payable quarterly, is hereby made for the purpose of employing officers and teachers, and defraying the incidental expenses of said colored department: *Provided, however,* That the deaf and dumb children of both races shall be under the same management, and under one and the same superintendent, who, together with all other officers of said institution for colored deaf mutes, shall be elected by and be subject in all respects to the supervision and control of the board of commissioners of the institution for the whites, as heretofore provided by law: *Provided,* That the present officers and employes of said asylum shall receive no additional pay for any services rendered in the teaching or care of the colored mutes.

Not to receive additional pay.

§ 4. This act shall be in force from and after its passage.

Approved May 9, 1884.

CHAPTER 1497.

AN ACT to amend section one, of chapter ninety-five, of the General Statutes, title "Salaries."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section one, of chapter ninety-five, of the General Statutes, title "Salaries," be so amended as to read as follows, viz: "The clerk in the Treasurer's office shall receive an annual salary of twelve hundred dollars, to be paid monthly out of the Treasury."

Sec. '1, chapter 95, page 772, General Statutes, amended.

§ 2. This act shall take effect from its passage.

Approved May 10, 1884.

CHAPTER 1498.

AN ACT to amend section thirty-eight, of chapter twenty-four, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section thirty-eight, of chapter twenty-four, of the General Statutes, be, and the same is hereby, amended by adding thereto the following: "No conveyance of real estate heretofore made by a married woman or other person shall be adjudged to be void or invalid because of a failure by the county clerk to incorporate in his certificate to such conveyance the indorsement of acknowledgment which may have been made by his deputy thereon. When acknowledgments to conveyances of real estate have heretofore been taken by a deputy clerk, and a note or memorandum thereof indorsed by him on such conveyance, and a certificate of such acknowledgment has been afterwards written out by the principal clerk and signed by him as having been done by such deputy, such conveyance and certificate, and the recording thereof, shall be held to be valid, although the note or memorandum made by the deputy may not have been copied into said certificate.

Sec. 38, chapter 24, page 262, General Statutes, amended.

§ 2. This act shall be in force from and after its passage.

Approved May 10, 1884.

CHAPTER 1499.

AN ACT for the benefit of the Kentucky Manufacturing Establishment for the Blind.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of twenty-one hundred dollars be, and the same is hereby, appropriated, out of any funds in the State Treasury not otherwise appropriated, in aid of the Kentucky Manufacturing Establishment for the Blind, said sum to be used by said Establishment in paying a debt of twenty-one hundred dollars against the real estate of said Establishment. If said property shall ever cease to be used for the benefit of the blind, as specified in the charter of said Establishment, approved January, one thousand eight hundred and eighty-two, it shall revert to and become the property of the State. The Auditor is hereby authorized and required to draw his warrant on the Treasury for the same.

§ 2. That the further sum of one thousand dollars annually, for two years, be, and the same is hereby, appropriated, out of any funds in the State Treasury not otherwise appropriated, payable in semi-annual installments of five hundred dollars each on the first day of June and December of each year; said sum to be used for the support and instruction of blind apprentices while learning their trades: *Provided*, No larger sum than seven dollars per month shall be applied for the benefit of any one person. The Auditor is hereby authorized and required to draw his warrants on the Treasury for the same.

§ 3. This act shall take effect from its passage.

Approved May 10, 1884.

CHAPTER 1513.

AN ACT to preserve the rolls and records of the thirteen regiments of volunteers in the war of one thousand eight hundred and twelve.

WHEREAS, The Governor, in his annual message, has called attention to the condition in which are found the rolls and records of the thirteen regiments of Kentucky volunteers in the war of one thousand eight hundred and twelve, that they are liable to destruction from the ravages of time and the unprotected condition arising from the form in which they now are; and whereas, it is due to the services and memory of the dead, and for future historical purposes, that these records should be properly preserved and cared for; therefore,

Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor and Adjutant General be, and are hereby, authorized and empowered to take such action as may be necessary to preserve and perpetuate said rolls and records in the archives of the State, and report their action to this General Assembly.

Duty of Governor and Adjutant General.

§ 2. This act shall take effect from and after its passage.

Approved May 8, 1884.

CHAPTER 1516.

AN ACT to amend article twenty-three, chapter twenty-eight, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one, article twenty-three, chapter twenty-eight, title "Courts," of the General Statutes, be amended as follows: That in any action or proceeding in the county court in which a judgment has been or may be rendered, wherein the amount in controversy is twenty-five dollars or more, exclusive of interest and costs, an appeal may be had to the circuit or common pleas court, by either party, in the manner that appeals from judgments of the circuit courts are now taken, excepting that the original papers and copies of the orders and judgments shall be

Article 23, chapter 28, page 312, General Statutes, amended.

delivered by the judge of the county court to the clerk of the court appealed to, and no assignment of errors shall be required.

§ 2. That all appeals under this act shall be taken within sixty days from the day upon which judgment shall be rendered.

§ 3. This act shall take effect and be in force from its passage.

Approved May 9, 1884.

CHAPTER 1553.

AN ACT to enable the Register of the Land Office to discharge certain duties imposed upon him by an act passed by the present Legislature.

Preamble.

WHEREAS, The present Legislature has passed an act directing the Register of the Land Office to have prepared a full and complete index to all plats and certificates of survey heretofore or hereafter filed in his office, and likewise to have recopied and corrected the index to certain grants in said office, which work will require an additional temporary force not provided for by said act; and whereas, the aforesaid act increased the fees hereafter to be collected and paid into the Treasury by said office, to an extent which will greatly exceed the cost of such work; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Register may
employ addi-
tional force, &c.

§ 1. That the Register of the Land Office be, and he is hereby, authorized until otherwise provided, to employ such additional temporary force as may be necessary for the performance of said work, at a compensation, however, not exceeding one hundred dollars per month, and it shall be the duty of the Register to make report to the next General Assembly on the first day of its meeting as to the progress or completion, as the case may be, of the aforesaid work.

Approved May 12, 1884.

CHAPTER 1558.

AN ACT entitled "An act to amend an act to provide for the government, management, and discipline of the Kentucky Penitentiary."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Chaplain of the Kentucky Penitentiary, appointed and holding his office as now provided by law, to hold himself in readiness to teach such convalescents or others, whose task being performed within less than the required hours of labor, might wish to avail themselves of his assistance, either for spiritual instruction or to try to acquire an elementary education. And that the said Chaplain shall be required to devote his entire time, work-days as well as Sundays, to the performance of these duties.

Duty of chaplain.

§ 2. The Chaplain shall receive a salary of twelve hundred dollars per annum, payable monthly.

Salary.

§ 3. All acts or parts of acts in conflict with this are hereby repealed.

§ 4. This act to take effect from and after its passage.

Approved May 9, 1884.

CHAPTER 1568.

AN ACT to declare navigable streams all the streams and creeks that empty into the Cumberland river above Point Burnside, on said river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the streams and creeks that empty into, and are tributary to the Cumberland river above Point Burnside, on said river, in this Commonwealth, be, and the same are hereby, declared to be navigable streams.

Streams navigable.

§ 2. That if any person shall intentionally obstruct any of said streams, and thereby interfere with their free use for the purpose of floating out boats, rafts, timber, trees, or logs, he shall, upon indictment and conviction, be fined not less than twenty nor more than one thousand dollars, or imprisoned in the county jail not less than ten days nor more than six months, or both so fined and imprisoned, at the discretion of the jury.

Penalty for obstructing, &c.

Damages.

§ 3. That any person engaged in floating boats, rafts, timber, trees, or logs out of said streams, or any of them, who shall damage or injure any property, real or personal, shall be liable to be sued and subjected to such damages as the party injured shall sustain; and any and all judgments recovered under the provisions of this section shall, on motion of the plaintiff, be enforceable by *capias pro fine*: *Provided*, This act shall not be so construed as to prevent the use of water-gaps by farmers or land-owners on any tributary of said river above Point Burnside; but persons floating timber, boats, staves, &c., &c., may open any water-gap for the purpose of letting pass said timber, boats, &c., &c., but shall replace the same immediately after the passage of said timber, &c. And any person, corporation, or company, who shall remove any water-gap, shall be liable for all damages sustained by any person by reason of said removal; and shall also be liable to a fine of not less than one hundred nor more than five hundred dollars, upon indictment and conviction, if said water-gap is not replaced within twenty-four hours after its removal, unless the owner thereof consents in writing that the same shall remain open for a longer time, and the time shall be stated in the writing.

Penalty.

§ 4. That this act be in force from and after its passage.

Approved May 12, 1884.

CHAPTER 1569.

AN ACT to provide for rebuilding the State bridge at Rio, on Green river, in Hart county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Rio Bridge Company.

§ 1. That there is hereby incorporated a bridge company by the name and style of "The Rio Bridge Company," for the purpose of rebuilding the State bridge across Green river, on the turnpike road leading from Bardstown to Nashville, Tennessee, by the way of Glasgow. The capital stock of said company shall be six thousand dollars, divided into shares of fifty dollars each.

Books to be opened for subscription of stock

§ 2. The books shall be opened for subscription of stock by Dr. William Adair, Henry A. Lafferty, H. B. Law, Dr.

W. W. Bowling, and Wm. B. Craddock, at Carmar, in Hart county, on the fifteenth day of May, one thousand eight hundred and eighty-four, and at such times and places as any three of said commissioners may designate by written or printed advertisement first posted up in three public places twenty days. The subscribers of stock shall sign their names in the said books of the company to a writing as follows, viz: "We, whose names are hereunto subscribed, promise to pay to the president and directors of the Rio Bridge Company the sum of fifty dollars for each share of stock in said company attached to our names, at such times and places as may by them be directed. Witness our hands and seals this — day of —, one thousand eight hundred and eighty—." That said company may, and they are hereby, permitted to build said bridge upon and to use the abutments and pillars at the crossing of said river, and which is now owned by the State of Kentucky; and there is hereby appropriated and subscribed by the State of Kentucky to the capital stock of said Rio Bridge Company three thousand dollars, out of any money in the Treasury not otherwise appropriated; and the Auditor of Public Accounts is directed to draw his warrant upon the Treasury in favor of the president of the company for said amount, which warrant shall not be drawn and delivered to said president until the amount of three thousand dollars shall be subscribed and paid to the president and directors by an individual or by individuals for the completion of said bridge, which shall be built of imperishable material. The fact of the subscription of said stock shall be certified to by the clerk of the Hart county court and the judge of said court.

§ 3. Said president and directors may, if they deem best, direct and have constructed a middle pier of stone, if in their judgment it should be necessary to make a good and secure bridge.

§ 4. So soon as three thousand dollars shall be subscribed and paid in, the stockholders shall be convened at Carmar, in Hart county, upon five days' public notice, and under the supervision of three of the above-named commissioners they shall proceed to the election of a president and five

Board to be
elected.

directors. They shall hold their offices for one year, and until their successors are elected and qualified. Each stockholder shall be entitled to one vote for each share of stock he may have paid in. It shall be the duty of the president of the company to give to each stockholder a notice in writing ten days previous to an election in each year for the offices of said company; one of said company shall be selected as secretary, whose duty it shall be to keep a strict record of all the proceedings of the company, and its entire business transactions. Said directors shall elect a treasurer, whose duty it shall be to take charge of all moneys of the company, and to pay out the same under the direction of the president and directors of the said company; and he shall enter into bond in the sum of fifteen thousand dollars, with good and sufficient security, approved by the president and board of directors, and, for a violation of his bond, he may be proceeded against with his sureties, by motion or suit in the circuit court of the county, as sheriffs may now be proceeded against for failing to pay over money collected on executions. Each officer shall take and subscribe to an oath to faithfully discharge the duties of his office to the best of his ability, which shall be entered in the book of the company.

Style of Com-
pany.

§ 5. The said company shall be a body-corporate and politic, under the name and style of "The Rio Bridge Company," and in that name may sue and be sued, plead and be impleaded, and may own and use a common seal, and shall have perpetual succession.

Rate of toll.

§ 6. When said bridge is so far completed that wagons and other vehicles can safely pass or be drawn over it, it shall be the duty of the company to permit them to do so; but the company shall provide a bridge-keeper, to be at all times to remain there, who shall exact and collect tolls at the following rates, viz: For each footman, five cents; each horse and rider, ten cents; each led or loose mule, horse or cattle, five cents; each head of hogs, sheep, or goats, three cents; each one-horse buggy and horse, thirty cents; each two-horse carriage or wagon, and two horses attached, fifty cents; each wagon with three horses attached, fifty-five

cents; each wagon with four horses attached, sixty cents; each wagon with five horses attached, sixty five cents; and each wagon with six horses attached, seventy-five cents: *Provided, however,* That when a wagon or other vehicle is drawn by mules or oxen, each mule or ox shall be subject to the same tariff as a horse; each cart with one horse shall be charged fifteen cents, and each cart with two horses twenty-five cents; but no charge shall be made for the load or the driver of any buggy, carriage, or wagon, or any vehicle upon said bridge.

§ 7. The said bridge-keeper shall take an oath, to be recorded in the said books of the company, that he will truly and faithfully discharge the duties of bridge-keeper under this act, and will truly and honestly account for and pay over to said company all money received by him for tolls aforesaid; and said company shall require him to give bond, with good security, to be approved by the president and directors, conditioned to account for and pay over to said company all moneys received by him as bridge-keeper aforesaid, at such time and place as they shall designate; and for a violation of his bond he and his sureties shall be liable by motion or suit in the circuit or quarterly court, and may be proceeded against as sheriff may be proceeded against for money collected upon execution upon a failure to pay over same, and he shall be subject to like penalties.

Oath of bridge-keeper.

§ 8. The said company shall cause the abutments and piers of said bridge to be raised above high-water mark. They shall cause plans and specifications to be presented by architects so as to secure the best and the cheapest material for the construction of the said bridge, and to secure the building of the bridge at the cheapest and most reasonable rates. The bridge shall be built of iron, and shall not be received by said company until the same shall be tested and inspected by a competent and disinterested mechanic and architect, who shall, after making said test and examination, report upon same to the said "Rio Bridge Company."

Plans and specifications.

§ 9. Said company shall make all needful rules, regulations, and by-laws for their government, and the successful management of their business.

By-laws and rules.

To render statement to Auditor.

§ 10. It shall be the duty of the president of said company to render under oath a true and full statement of the receipts and disbursements of said company to the Auditor of Public Accounts on or before the tenth day of July and January of each year; and one half of the receipts of said company for tolls, which shall remain after paying said bridge-keeper and necessary repairs and costs of carrying on the business of said company, shall be paid by said president into the treasury of the State on or before the tenth day of July and January of each year; and the treasurer shall give a receipt therefor, which shall be recorded in the books of said company; the net income of the company shall be equally divided and paid to the State and the stockholders in said company according to their shares of stock; the State being one stockholder to the amount aforesaid of three thousand dollars, and her dividends shall be paid into the Treasury as aforesaid.

May make contracts.

§ 11. The said company may make contracts with resident citizens and families living in said county of Hart to pass over said bridge at such price per year, or fractional part of a year, as the company may deem just and proper.

Auditor to issue warrant.

§ 12. The Auditor of Public Accounts shall not upon his warrant upon the Treasury for more than one thousand dollars at any one time, but shall issue said warrants as may be deemed advisable by the president and directors, for the progress of the work: *Provided, however,* Said Auditor shall reserve one thousand dollars of said appropriation of the three thousand dollars until said bridge shall have been completed and received and approved by the president and directors of said Rio Bridge Company.

§ 13. This act shall be in force from its passage.

Approved May 12, 1884.

CHAPTER 1570.

AN ACT to amend an act, entitled "An act to provide for the assessment and collection of taxes upon distilled spirits," approved April twenty-first, one thousand eight hundred and eighty-two.

Preamble.

WHEREAS, The act, entitled "An act to provide for the assessment and collection of taxes upon distilled spirits,"

approved April twenty-first, one thousand eight hundred and eighty-two, imposes a tax upon distilled spirits for county purposes as well as for State revenue, but fails to provide a mode for assessing and collecting taxes due the county ; in remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled " An act to provide for the assessment and collection of taxes upon distilled spirits," approved April twenty-first, one thousand eight hundred and eighty-two, be amended as follows: It shall be the duty of the board of valuation and assessment (named in the third section of the act to which this is an amendment) to file their said valuation in the office of the Auditor of Public Accounts, and said Auditor shall, without delay, transmit a copy of said valuation, by mail, to the clerk of the county court of the county from which said distilled spirits were reported, to be filed by said clerk in his office, and be by him listed with the sheriff, or other officer charged with the collection of the public dues of said county.

Act of 1882
amended.

§ 2. That delivery reports, such as are required by section (4) four of said act, to be made to the Auditor of Public Accounts, shall also be made, for county purposes, to the clerk of the county court of the county from which said distilled spirits were reported, and shall, in each instance, be accompanied by a remittance and payment of the tax due the county upon such delivered spirits, which said tax shall be, by said clerk, turned into the county treasury, or paid out to such person or persons as the county levy court may, by order, direct.

Reports to county court clerk.

§ 3. That no distiller, owner, or custodian of such distilled spirits shall permit the same to go from his possession or control without the report and payment of the tax due the county, as well as to the State, hereinbefore provided for; and any person or persons or corporation violating the provisions of this section, shall be proceeded against by the attorney for the county, in the name of the Commonwealth, for the benefit of such county, by distraint, for the entire amount of taxes assessed for county purposes as of the pre-

Penalty.

ceding first days of June and October; and thereupon all such taxes shall become and be immediately due and collectable by distraint, together with all costs attending the proceeding, and a further penalty of fifteen dollars for each such violation.

§ 4. That this act shall take effect and be in force from and after its passage.

App oved May 12, 1884.

CHAPTER 1574.

AN ACT to prohibit the inducing, persuading, and enticing of females to enter upon a life of shame and prostitution.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person or persons who shall be found guilty of inducing, persuading, aiding and abetting, or enticing any female who has never been married, under the age of twenty-one years, to enter a house of ill-fame, house of prostitution, assignation or bawdy-house, whereby such female so induced, persuaded, aided, enticed, shall be seduced and lose her chastity and virtue, shall, upon indictment and conviction, be confined in the State Penitentiary for a period of not less than two nor more than five years, in the discretion of the jury.

Penalty for enticing female, &c.

§ 2. This act shall take effect from and after its passage.

Approved May 12, 1884.

CHAPTER 1576.

AN ACT to further amend an act, entitled "An act to amend and reduce into one the several acts organizing and regulating the Lunatic Asylums of this State," approved March twentieth, one thousand eight hundred and seventy-six.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend and reduce into one the several acts organizing and regulating the Lunatic Asylums of this State," approved March twentieth,

Act of 1876 amended.

one thousand eight hundred and seventy-six, be further amended as follows: The receiver, before entering on the duties of his office, shall give a covenant to the Commonwealth, with good security, for the faithful performance of his duties, which covenant shall be approved by the board of commissioners and filed with and preserved by the Secretary.

§ 2. The medical superintendent, assistant physicians, steward, receiver, treasurer, secretary, matron, and supervisor of the kitchen, each, in the presence of the board of commissioners, shall take an oath to well and truly discharge the duties of their respective offices; and the fact that such oath has been administered shall be entered on the records of the board of commissioners. Oath of officers.

§ 3. The duties of the receiver and matron shall be the same as heretofore prescribed by law. Duties of receiver, &c.

§ 4. Each first assistant physician and his family shall be entitled to take their meals in the institutions at the expense of the State.

§ 5. The Auditor of Public Accounts shall prepare and furnish to each superintendent of insane asylums printed blanks of proper form, for reporting the estates of all non-paying patients or inmates, which blanks, with the names of such non-paying inmates, shall be by each medical superintendent sent to the county judge of each county from which said patients were sent; and it shall be the duty of said county judges, once in each year, to ascertain and report back to said medical superintendents the facts in regard to the estates of such lunatics, as indicated by said blanks. Blanks to be furnished.

§ 6. All acts or parts of acts in conflict with this act are hereby repealed.

§ 7. This act shall take effect from its passage.

Approved May 12, 1884.

CHAPTER 1578.

AN ACT to amend chapter forty-two of General Statutes, entitled
"Ferries"

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky :*

Chap. 42, p. 470,
General Statutes,
amended.

§ 1. That chapter forty-two of the General Statutes, entitled "Ferries," be amended by adding thereto section twenty-two. That any person or persons having an established ferry, or owning a ferry right by prescription, on the Kentucky or any other river in this Commonwealth, may, after giving ten days' notice to the owner of the land, apply to and obtain from the county court in which the land is situated a writ of *ad quod damnum*, to ascertain the damages to the owner of the land, and may have condemned, for a period of twenty years, or permanently, if he or they so desire, not exceeding one-half acre of land adjacent to the ferry for any and all purposes necessary for the use of the ferry, but for no other purpose; and may include in said writ the right to cut and remove any timber or other obstructions on the bank of the river, so as to clear them out of the way of the ferry; the writ to be directed to the sheriff of the county, who shall proceed to execute said writ in the same manner prescribed in section six of said chapter. The party having said land condemned shall acquire no right in it until the damages assessed, and all cost of said proceedings, are paid. It shall be the duty of the sheriff to convey said land so condemned to the applicant when said sums are paid.

§ 2. This act shall be in force from its passage.

Approved May 12, 1884.

CHAPTER 1579

AN ACT changing the boundary line between the counties of Anderson
and Mercer.

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky :*

Boundary be-
tween Mercer
and Anderson
counties.

§ 1. That the line between the counties of Anderson and Mercer be changed so as to include the lands of Steven

Arnold and Andrew J. Bickers in the county of Anderson.

§ 2. This act shall take effect from and after its passage.

Approved May 12, 1884.

CHAPTER 1580.

AN ACT to amend an act, entitled "An act providing compensation for circuit court clerks in Commonwealth cases," approved April nineteenth, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act, entitled "An act providing compensation for circuit court clerks in Commonwealth cases," approved April nineteenth, one thousand eight hundred and eighty-two, be amended by striking out the following words in the fourth and fifth lines, to-wit: "which may be hereafter paid by virtue of any judgment," and insert the following in lieu of the words so stricken out, to-wit: "upon which judgment may be." But nothing in this act, or the act to which it is an amendment, shall be construed to allow the clerks of circuit courts any compensation under this act, except such as may be collected from the judgment defendants.

Act of 1882,
clerks, amended.

§ 2. This act shall take effect and be in force from and after its passage.

Approved May 10, 1884.

CHAPTER 1612.

AN ACT to change the time for holding the county and quarterly courts and court of claims of Breathitt county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time for holding the county courts for Breathitt county shall be on the second Monday in each month, instead of on the third Mondays as they are now held.

Breathitt county
court—terms of.

§ 2. That the time for holding the quarterly courts of Breathitt county be, and is hereby, changed from Tuesday

Quarterly courts.

after the third Monday in the months of March, June, September, and December to Tuesday after the second Monday in March, June, September, and December.

§ 3. That the time for holding the court of claims for Court of claims. Breathitt county shall be on Tuesday after the second Monday of October in each year, instead of on Tuesday after the third Monday in October as is now directed by law.

§ 4. This act to take effect from and after the first day of May, one thousand eight hundred and eighty-four.

Approved May 8, 1884.

CHAPTER 1613.

AN ACT to declare certain contracts gaming.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter any sale, contract, or agreement for Certain contracts declared gaming. the sale of bonds, stocks, grain, cotton, or other produce, property, commodity, article, or thing for future delivery, where either of the contracting parties, buyer or seller, dealing simply for the margin, or on the prospective rise or fall in the price of the thing sold, and where either of the said contracting parties have no intention or purpose of making actual delivery or receiving the property or thing in specie, shall be deemed, and is hereby declared, gaming.

§ 2. That any sale of any property or thing, or any contract or agreement for such sale for future delivery, whereby When void. the purchaser is by the contract or agreement inhibited from paying whatever margins or part of the cost or value of the article, property, commodity, or thing purchased, as the said purchaser may see proper, or which inhibits the purchaser from making, realizing, or receiving more than a certain stipulated gain or profit by said sale or purchase, shall be deemed void, and the same is hereby declared gaming.

§ 3. That if any person shall buy or sell, or contract Penalty. for the purchase or sale of any property or thing enumerated in section one of this act, and in violation of any of the provisions of sections one and two of this act, he shall be deemed guilty of a misdemeanor, and, upon conviction

thereof, for every such violation shall be punished by a fine of not less than twenty-five dollars, and not more than two hundred and fifty dollars, and if convicted more than once, in addition to the fine, shall be confined in the county jail not exceeding six months and not less than one month.

§ 4. That in all prosecutions under this act, it shall be sufficient to charge that the defendant did game or wager, or deal in futures, describing a violation of some one of the provisions of this act, and naming the person or persons with whom said gaming contract was had; but it shall not be necessary to state what article or thing was the subject of the contract, nor the prices at which it was bought or sold. Prosecutions.

§ 5. This act shall only apply to the city of Lexington, and shall take effect sixty days after its passage.

Approved May 8, 1884.

CHAPTER 1627.

AN ACT relating to the lunatic asylums of the State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be kept at each of the lunatic asylums of this State a "Case Book," in which shall be entered a history of the case of each patient hereafter received into said asylums, as far as it is possible to make out such history from credible information; also the condition of the patient at the time of admission, together with a daily and detailed statement of medical treatment. Case book to be kept.

§ 2. There shall also be kept in each of said asylums an "Accident Book," in which shall be recorded a statement of all accidents or injuries, whether serious or slight, to any of the patients of said asylums, whether self-inflicted or occurring otherwise, together with a statement of the causes of such accidents or injuries; and also the names, if any, of the persons who may have been witnesses thereof. Accident book.

§ 3. There shall also be kept in each of said asylums a "Restraint Record," which shall show the name of each Restraint book.

patient within said asylums subject to restraint by belts, gloves, muffs, camisoles, cribs, or other mechanical restraints, including seclusion and chemical restraint to allay excitement; also the character of said restraint, when and how long employed in each case, by whose authority, and also the reasons for using the same. Mechanical restraint shall not be applied in any case without the express direction, and under the supervision, of one of the physicians in charge of said asylums, nor shall restraining apparatus be kept upon the wards when not in use. Said restraint record shall also show the number of attendants on duty in each month, and whether the same were sufficient, or more than sufficient, for the protection and well-being of all patients in the asylum.

§ 4. The "Case Book" and "Restraint Record" shall be **By whom kept]** kept by the superintendent and assistant physicians as the superintendent may direct, whose duty it shall be to make out the statements above required to be recorded therein. The "Accident Book" shall be kept by the superintendents of said asylums, who shall faithfully make the record and statements above required; and all said books shall be laid before the commissioners of said asylums at all monthly meetings of the board, and shall be filed and kept among the records of the asylums.

§ 5. The superintendent shall also make monthly reports **Monthly reports,** to the board of commissioners, showing the number of deaths occurring among the patients, the causes thereof, and the names of the deceased; also a record showing all escapes, recoveries, and removals of patients.

§ 6. This act shall take effect and be in force from its passage.

Approved May 12, 1884.

CHAPTER 1632.

AN ACT to encourage the building of railroads in the Commonwealth of Kentucky, and to exempt from taxation all railroads which may be hereafter built under existing charters, or under charters which may be hereafter granted, for a period of five years from the date of the beginning of the construction of such new roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all railroads which may hereafter be built within this Commonwealth under existing charters, or under charters which may be hereafter granted, shall be exempt from all taxation under the laws of this Commonwealth for a period of five (5) years from the date of the beginning of the construction of such new roads.

Railroads exempt from taxation.

§ 2. *Be it further enacted,* That this act take effect from and after its passage.

[Became a law without the signature of the Governor.]

RESOLUTIONS.

No 1.

JOINT RESOLUTION providing for the appointment of a Committee on Public Health.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That a committee of five, three from the House and two from the Senate, be appointed by the Speakers of said Houses, who shall constitute a Committee on Public Health.

Approved January 10, 1884.

No 2.

RESOLUTION in relation to firing a salute on the eighth day of January, one thousand eight hundred and eighty-four.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Adjutant General of the State be directed to fire a national salute on to-morrow, the eighth day of January, one thousand eight hundred and eighty-four, in commemoration of the victory won by the American forces over British forces in the battle of New Orleans, fought on the eighth day of January, one thousand eight hundred and fifteen.

Approved January 11, 1884.

No. 3.

RESOLUTION in relation to carpeting stairway, &c.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Sergeants-at-Arms of the two Houses be, and they are hereby, instructed to have the stairways and approaches to the Senate Chamber and the Hall of the House of Representatives made safely passable for all by covering them with matting or other suitable substance.

Approved January 11, 1884.

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No. 4.

RESOLUTION allowing the Governor a page.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That during the sitting of the Legislature the Governor shall be entitled to a page of his choice, to be compensated as other pages of this body are.

Approved January 15, 1884.

No. 5.

RESOLUTION fixing a day for the election of a State Librarian.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the election of a State Librarian be proceeded with on the eighteenth instant, at twelve M.

Approved January 17, 1884.

No. 6.

JOINT RESOLUTION providing rooms for the Enrollment Committees.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Librarian be, and is hereby, authorized and directed to provide and suitably furnish a room for the use of the Enrolling Committees of the Senate and House of Representatives.

Approved January 17, 1884.

No. 7.

RESOLUTION directing the purchase of a new flag for the Capitol Building.

WHEREAS, It is the pride of the Kentuckian to see and know that the American flag, the stars and stripes, is well maintained, guarded, and kept floating over this Commonwealth at this Capitol; and whereas, that flag now doing

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duty as a signal and evidence of independence to this country is tattered and torn; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Sergeant-at-Arms be, and he is hereby, directed to purchase a new flag, to cost not to exceed twenty-five dollars, and have it hoisted daily over this Capitol building, and to lay before the House, for allowance, his bill of expenditure for the same.

Approved January 17, 1884.

No. 8.

RESOLUTION rescinding resolution fixing day to elect a State Librarian.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the resolution heretofore passed by this General Assembly, fixing the eighteenth day of January, one thousand eight hundred and eighty-four, for the election of Librarian, be rescinded.

Approved January 19, 1884.

No. 9.

JOINT RESOLUTION relating to the Peabody Fund.

WHEREAS, It has been stated in the newspapers that the trustees of the Peabody Fund have directed their agent to inquire into and report as to the practicability and propriety of using a portion of the income of said fund in aid of the common school cause in Kentucky; now, therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Hon. J. L. M. Curry, agent of said fund, be, and he is hereby, cordially invited to visit Frankfort and to address this General Assembly at such time as may suit his convenience, on such topic or topics as he may deem appropriate.

Approved January 22, 1884.

No. 10.

JOINT RESOLUTION requesting the Governor to obtain the muster-rolls of the four Kentucky companies that served in the Sixteenth Regiment of United States Infantry in the Mexican war, and have them filed in the Adjutant General's Office of Kentucky.

WHEREAS, There is no record of any kind in archives of Kentucky in regard to four companies of Kentuckians who served in the war with Mexico, in the Sixteenth Regiment of United States Infantry, which was one of the ten regiments authorized by Congress in February, one thousand eight hundred and forty-seven, as an addition to the regular army of the United States, to be continued in service for and during the existence of the war with Mexico. The Sixteenth Regiment of United States Infantry was commanded by the late John W. Tabitts. This regiments was made up of ten companies: four from Kentucky, four from Indiana, and two from Illinois. The four companies from Kentucky were: Company B, Captain Charles Wickliffe, of Ballard county; Company E, Captain T. T. Garrard, of Clay county; Company F, Captain E. A. Graves, of Marion county; and Company K, Captain James W. Brameor, of Louisville, Jefferson county; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That His Excellency, Governor J. Proctor Knott, be requested, and is hereby authorized, to take such steps and adopt such measures as may be necessary to obtain the names of the commissioned officers, non-commissioned officers, and privates of the said companies from the War Department at Washington City, D. C., and have the same carefully filed away in Adjutant General's Office of Kentucky, for such future reference as may be necessary for the benefit of any or all citizens of Kentucky whom it may in anywise concern; and that the Governor be authorized to use any money that may be necessary to carry out the object of this resolution.

Approved January 24, 1884.

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No. 11.

RESOLUTION in relation to the withdrawal of a bill from the Governor.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a committee, consisting of two members from the House of Representatives and one from the Senate, be appointed by the Speakers of the respective Houses, to wait upon the Governor and ask the withdrawal from his hands of an enrolled bill, entitled "An act to authorize and empower the county court of Henry county to lay a levy upon the property in certain districts in said county for one thousand eight hundred and eighty-two, and to collect the same."

Approved January 25, 1884.

No. 12.

JOINT RESOLUTION amending a resolution providing for the purchase of a flag for the State House.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a resolution providing for the purchase of a flag for the State House be, and the same is hereby, amended by striking out twenty-five dollars, and inserting in lieu thereof forty-two dollars.

Approved January 28, 1884.

No. 13.

JOINT RESOLUTION to investigate the lunatic asylums of Kentucky.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That three joint committees, each consisting of two members of the Senate and three of the House of Representatives, to be appointed by the respective Speakers of the two Houses, be, and they are hereby, directed to investigate the conduct and management of the lunatic asylums of this State. One of said committees shall be assigned to the investigation of the Eastern Asylum, one the

Central Asylum and the other to the Western Asylum. Said committees will severally inquire and ascertain if any inmate has been treated with cruelty or neglect; if any inmate has lost his life by or through the agency, neglect, or misconduct of any officer, agent, or employe of either asylum; if any inmate has been received contrary to law; if any inmate has been improperly detained; if there has been any neglect of duty or unfaithfulness in the performance of any duty on the part of such officer or employes; if any officer has disregarded the law or good faith in purchasing supplies or stores for the asylums, or in disposing of the products of the farm or property belonging to said asylums; if any officer or employe has improperly interfered with or defeated the lawful and proper administration of the affairs of either asylum; if there is retained at either asylum any unauthorized officer, agent, or employe; if there has been any useless expenditure or misappropriation of money or fund belonging to the State; if there has been any unauthorized debt contracted or funds expended by any officer of either asylum. Said committees will also investigate any other irregularity, matter or mismanagement, which may exist affecting said asylums, or either of them, not herein enumerated, and report fully the several results of their investigations to both Houses; and said committees may respectively coerce the attendance and testimony of witnesses, and the production of books and papers by usual process. Each committee may employ a clerk, if deemed necessary, to take and write out testimony. The chairman of each committee shall have the same power to administer oaths to witnesses as a justice of the peace now has.

*Approved January 28, 1884.

No. 14.

RESOLUTION fixing time for election of Librarian.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That when the hour of eleven and a half o'clock, A. M., shall arrive, the Senate and House of Representatives will

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meet in joint Assembly for the purpose of electing a Librarian.

Approved February 5, 1884.

No. 15.

RESOLUTION fixing the time for the election of a Librarian.

WHEREAS, A resolution appointing the hour of eleven and a half o'clock, A. M., February second, one thousand eight hundred and eighty-four, to elect a Librarian, has become of no effect, because said time passed before the enrollment and signature of said resolution by the Governor; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That on Thursday, February seventh, one thousand eight hundred and eighty-four, at eleven and a half o'clock, A. M., the Senate and House of Representatives will meet in Joint Assembly for the purpose of electing a Librarian for the Commonwealth.

Approved February 7, 1884.

No. 16.

RESOLUTION raising a joint committee to examine into the propriety and expediency of purchasing, on the part of the State, the portrait of General Zachary Taylor.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a joint committee, composed of two from the Senate and three from the House, be appointed by the respective Speakers thereof, for the purpose of examining into the propriety and expediency of purchasing, on the part of the State, the portrait of General Zachary Taylor, and with power to report to the General Assembly at any time.

Approved February 7, 1884.

No. 17.

RESOLUTION raising a joint committee to examine into the laws and the workings of the laws governing the city court of Louisville, and the officers thereof, and to report such bills as are necessary to regulate said court and its officers.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That a joint and special committee, consisting of two members from the Senate and three members from the House of Representatives, be appointed by the respective Speakers thereof, whose duty it shall be to examine all existing laws relative to the city court of Louisville, and the workings of same, and to report to this General Assembly such laws as they may deem necessary for the proper government of said court or its officers, and that all bills introduced during the present session of the General Assembly, relative to said court and its officers, shall be referred to said committee for investigation.

Approved February 9, 1884.

No. 18.

RESOLUTION raising a committee for the relief of the sufferers in the overflowed districts of the State, and providing means for same.

Resolved by the General Assembly of the Commonwealth of Kentucky :

. That the Governor and Auditor be, and they are hereby, authorized and instructed to draw their warrants upon the Treasury, not to exceed twenty-five thousand dollars, immediately, to relieve the temporary personal sufferings of any persons in this Commonwealth caused by the recent floods ; said contributions to be made as those officers may consider proper and necessary; and they shall make a definite report to this body, showing where, how, to whom, and how much of said fund was disbursed.

Approved February 13, 1884.

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No. 19.

RESOLUTION appropriating means for the relief of the sufferers by the floods in this State, and providing for the distribution of the same.

Be it resolved by the General Assembly of the Commonwealth of Kentucky :

That the Auditor is authorized to draw his warrants upon the Treasury at once to relieve citizens of this State who are personally suffering from the effects of the present flood, said warrants to be drawn in various sums deemed proper by the Governor and Auditor, the same not to exceed in the aggregate the sum of seventy-five thousand dollars, and to be used, as far as possible, for the purchase of provisions, fuel, and other necessities; and may appoint local relief boards to carry out this resolution, and shall report in full the amount contributed to each community, and shall use only so much of this appropriation as they deem necessary upon satisfactory evidence; and are authorized to appoint commissioners to assist them in securing information and distributing the fund: *Provided*, That no commissioner, committeemen, or officer appointed or acting under the provisions of this resolution, shall charge or receive any compensation for his services: *And provided*, That each commissioner appointed under this resolution, and each chairman or clerk of such committees as may use the money hereby appropriated, shall file with the Auditor of the State vouchers showing the disposition of such sum as may be paid out by them, which vouchers shall be kept on file in said office.

Approved February 18, 1884.

No. 20.

RESOLUTION raising a committee to relieve the inmates of the Eastern Lunatic Asylum.

WHEREAS, A communication from the medical superintendent of the Eastern Lunatic Asylum at Lexington, to the Speaker of the House of Representatives, shows that the condition of that asylum by reason of the late floods is

such as to demand immediate and speedy relief and attention from this General Assembly ; now, therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Speaker of the House of Representatives be, and he is hereby, authorized and empowered to appoint a committee of three members of the House, who shall act in connection with a committee of two members of the Senate, to be appointed by the Speaker of the Senate, which said committee shall at once proceed to examine and investigate the damage to the said asylum by reason of the late floods and the defective heating apparatus of said asylum ; and they shall have power to act as in their discretion it appears best, in order to give immediate and speedy relief to the inmates of said asylum.

2. That the duty defined in this resolution shall be discharged by the special committee appointed to examine into the affairs of the Eastern Lunatic Asylum at Lexington, and it shall be done immediately as described in this resolution ; but the Speakers of the respective Houses may appoint other persons on this committee to take places of any members of said special committee who may be absent or unable to serve immediately.

Approved February 18, 1884.

No. 21.

RESOLUTION loaning flags and arms to veterans of the Mexican war.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Adjutant General of Kentucky be, and he is hereby, authorized and directed to furnish to J. Q. Ward, A. Perrin, and A. Williamson, of the city of Cynthiana and county of Harrison, the flags borne by Kentucky troops during the Mexican war, now in possession of the State ; also one twelve-pound gun and appurtenances, including forty rounds of ammunition, the same to be used under their control and direction, as a committee appointed by the citizens of Cynthiana to make preparations for entertaining

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the veterans of the Mexican war, who will meet at Cynthia on the twenty-second day of February, one thousand eight hundred and eighty-four; and said flags and gun and appurtenances shall be returned by said committee on or before the first day of March, one thousand eight hundred and eighty-four.

Approved February 18, 1884.

No. 22.

JOINT RESOLUTION fixing a day for the election of a Public Printer and Binder.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That this General Assembly will, on Thursday, the twenty-first day of February, one thousand eight hundred and eighty-four, at the hour of half-past eleven, A. M., in the Hall of the House of Representatives, in joint assembly, proceed to the election of a Public Printer and Binder for the Commonwealth.

Approved February 20, 1884.

No. 23.

RESOLUTION to appoint a committee to wait on the Governor and ask the withdrawal of a bill from his hands.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a committee of one from the Senate and two from the House be appointed by the respective Speakers to wait on the Governor and ask the withdrawal of House bill two hundred and twenty-nine, entitled "An act to incorporate the city of Cloverport."

Approved February 20, 1884.

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No. 24.

A RESOLUTION authorizing the special committee to investigate the Central Lunatic Asylum to employ a short hand reporter.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the special committee to investigate the Central Lunatic Asylum be, and they are hereby, authorized to employ a short-hand reporter for the purpose of taking down the evidence given before said committee, and for transcribing the same: *Provided*, That the compensation of said short-hand reporter shall not exceed seven dollars and fifty cents per day, and the reporter shall be in lieu of the clerk provided for in the original resolution.

Approved February 20, 1884.

No. 25.

RESOLUTION asking the establishment of an Agricultural Department by the General Government, the head thereof to be a cabinet officer.

WHEREAS, The increasing importance of the agricultural interests of the country demand a closer and more intimate recognition by the government than they have heretofore received; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That our Representatives in Congress be requested, and our Senators instructed, to use their influence to secure the creation, by law, of a department of government, to be styled the Agricultural Department, to be filled by a practical farmer, and who shall constitute one of the President's Cabinet.

Approved February 20, 1884.

No. 26.

RESOLUTION in relation to pensioning soldiers serving in the war with Mexico.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That our Senators and Representatives in Congress be, and they are hereby, respectfully requested to use all hon-

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orable means in their power to have an act passed that will enable the surviving soldiers who were engaged in the war with Mexico, and received an honorable discharge, or the surviving widows and children of said soldiers, to receive the same pension as the surviving soldiers of the war of one thousand eight hundred and twelve.

2. That the Governor of this Commonwealth be requested to send to each of our Representatives and Senators in Congress a copy of this resolution.

Approved February 21, 1884.

No. 27.

RESOLUTION fixing a time for the election of a Warden of the Kentucky Penitentiary.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the General Assembly proceed in joint session, in the Hall of the House of Representatives, at twelve o'clock, meridian, on Tuesday, February twenty-six, one thousand eight hundred and eighty-four, to elect a Warden of the Kentucky Penitentiary.

Approved February 25, 1884.

No. 28.

RESOLUTION directing the appointment of a stenographic reporter to assist the committee appointed to investigate the Eastern Lunatic Asylum.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the committee appointed to investigate the Eastern Lunatic Asylum at Lexington be authorized to employ a stenographer or short-hand writer to take down and transcribe the testimony, at an expense not exceeding seven dollars and fifty cents per day; but a stenographic reporter and a clerk shall not be employed at the same time.

Approved February 25, 1884.

No. 29.

RESOLUTION fixing time for election of Warden of Penitentiary.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That this General Assembly will, on Saturday, the twenty-third day of February, one thousand eight hundred and eighty-four, at the hour of twelve o'clock, meridian, in joint assembly, in the Hall of the House of Representatives, proceed to the election of a Warden of the Penitentiary of the State.

[This resolution was not presented for my signature until after the time had elapsed.

J. PROCTOR KNOTT]

No. 30.

RESOLUTION providing for the election of a Warden of the State Prison.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That on Thursday, February twenty-first, one thousand eight hundred and eighty-four, at the hour of eleven o'clock A. M., this General Assembly proceed to the election of a Warden of the Kentucky Penitentiary for the term beginning March first, one thousand eight hundred and eighty-four.

[This resolution was not presented to me until after the time had elapsed.]

J. PROCTOR KNOTT.

No. 31.

JOINT RESOLUTION appointing a committee to examine into the affairs of the office of Register of the Land Office for the term preceding that of the present incumbent.

Be it resolved by the General Assembly of the Commonwealth of Kentucky :

That a committee of five members of this General Assembly (two from the Senate and three from the House, to be appointed by the respective Speakers thereof) be ap-

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pointed to investigate and report thereon to this General Assembly the conduct and management of the office of Register of the Land Office for the term of said office preceding that of the present incumbent, and down to the date of the entry into office of the present incumbent.

1. They will ascertain, and by their report state the number of copies of patents issued from said office during that time.

2. Also the number of copies of surveys issued from same for same time.

3. Also the number of copies of entry or land warrants issued from said office for same time.

4. Also the number of plats and certificates and patents on the same recorded in said office for same time.

5. Also the number of copies of assignment from said office for same time.

6. Also the number of surveys registered and patents issued therein in said office for same time.

7. The number of seals of the Commonwealth issued in said office during said time.

8. The amount of fees received in said office for said time for the foregoing services, or that should have been received.

9. Said committee, in the discharge of the foregoing duties, shall have the power to send for persons and papers; they shall hold their sittings in the city of Frankfort at such times and places as they may fix, and will report their action at as early a day as practicable.

Approved February 28, 1884.

No 32.

RESOLUTION providing for the construction of a fire-cistern at the Kentucky Institution for the Education of the Blind, at Louisville.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the trustees of the Kentucky Institution for the Education of the Blind be, and they are hereby, directed and empowered to cause a fire-cistern to be built upon the grounds of said institution, not more than thirty feet from Frankfort

Avenue and the principal entrance to said institution, said fire-cistern to have a capacity of not less than six hundred barrels, and to be built and walled with the best material, and to be connected with the supply pipes of the Louisville Water Company and supplied therefrom. But before ordering said work, the trustees shall advertise for bids at least ten days in some daily newspaper, and the contract for building same shall be awarded to the lowest and best bidder, who shall give a good and sufficient bond, to be approved by said trustees, for the faithful performance of his contract. After the work is completed and fully tested and accepted by said trustees, they shall certify the cost of same to the Auditor of the State of Kentucky, who shall draw his warrant upon the Treasurer for the amount in favor of the person named in the certificate of said trustees, and same shall be paid by the Treasurer out of any fund not otherwise appropriated. Said cistern, after its completion, shall be supervised in the same manner as other fire-cisterns are now supervised in Louisville, Kentucky, and the costs of supplying same shall be paid by the city of Louisville in the same manner as like cisterns are now paid for by said city, and the pipe connections are to be supervised in like manner

Approved February 29, 1884.

No 33.

JOINT RESOLUTION raising a committee to consider the propriety of fixing a day of adjournment of the present General Assembly, or adjourning to a day certain.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a special committee, consisting of five from the House and three from the Senate, be appointed by the Speakers of the respective Houses, who are required to take into consideration the propriety of extending this session of the General Assembly beyond the constitutional limit of sixty days; and also the propriety or impropriety of having an adjourned or extra session of this General Assembly, and that they report to this General Assembly, in writing, at the earliest day practicable.

Approved February 29, 1884.

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No. 34.

RESOLUTION giving the right of burial in that part of Frankfort cemetery owned by the State to the body of Sergeant A. W. Hampton.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the right of burial in that portion or lot of ground owned by the State of Kentucky in the Frankfort cemetery is hereby granted to the remains of the late Sergeant Ambrose W. Hampton, and that his grave shall be cared for as the grave of other Mexican soldiers.

Approved March 3, 1884.

No. 35.

RESOLUTION relating to the reapportionment of the State into Congressional, Senatorial, and Representative districts.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That a joint committee of sixteen is hereby created, eleven on behalf of the House of Representatives, to be appointed by the Speaker thereof, and five to be appointed by the Speaker of the Senate. Said committee shall consider all questions relative to the reapportionment of the State, either into Congressional, Senatorial, or Representative districts. They shall report by bill, and may report at any time.

Approved March 3, 1884.

No. 36.

RESOLUTION fixing the salaries of the Janitors of the General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the janitors of the House of Representatives be, and they are hereby, allowed to draw from the Treasury the sum of three dollars per day during the present session of the General Assembly.

Approved March 4, 1884.

No. 37.

RESOLUTION providing for the payment of expenses incurred by committee appointed to relieve the inmates of Eastern Lunatic Asylum.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of this Commonwealth be, and he is hereby, directed to draw his warrant on the Treasurer in favor of Ben. S. Robbins for the sum of twenty dollars in payment of expenses incurred by a committee appointed under a joint resolution, entitled "Resolution raising a committee to relieve the inmates of the Eastern Lunatic Asylum."

Approved March 7, 1884.

No. 38.

RESOLUTION allowing the committee now investigating the Central Lunatic Asylum to employ a stenographic reporter.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the committee now investigating the affairs of the Central Lunatic Asylum at Anchorage be, and are hereby, authorized to employ a stenographic reporter to take proof in said investigation, on such terms as such work is usually done. All other resolutions in regard to said stenographic reporter are here rescinded or repealed.

Approved February 25, 1884.

No. 39.

RESOLUTION providing for an extension of the session of the General Assembly beyond the constitutional limit.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the present session of the General Assembly be, and the same is hereby, extended beyond the constitutional limit.

Approved February 25, 1884.

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No. 40.

RESOLUTION in regard to the carpenter for the two Houses of the General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the carpenter for the two Houses of the present General Assembly be allowed to draw from the Treasury the sum of one dollar and fifty cents per day during this session. Bob Loomis (colored) may draw one dollar per day from the commencement of the present Legislature to the adjournment of the session for keeping and attending the back capitol.

Approved March 12, 1884.

No. 41.

RESOLUTION for the benefit of the special committee to perfect the common school law.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant upon the Treasurer in favor of John Bennett, for eighty dollars, expenses incurred by the special committee appointed by the Senate at the last session of the General Assembly to ascertain and report what legislation is necessary to perfect the common school law of the Commonwealth.

Approved March 20, 1884.

No. 42.

RESOLUTION authorizing the Auditor of Public Accounts to draw his warrant on the Treasurer for forty-nine dollars and thirty-five cents in favor of James R. W. Smith, and seven dollars and seventy cents in favor of H. C. Dixon, and for twenty-one dollars in favor of W. F. Peak, to pay their expenses as members of committee to investigate Eastern Lunatic Asylum.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Auditor of Public Accounts draw his warrant upon the Treasurer for the sum of forty-nine dollars and

thirty-five cents in favor of James R. W. Smith, and for seven dollars and seventy cents in favor of Henry C. Dixon, and for twenty-one dollars in favor of W. F. Peak, the said parties having been members of the committee to investigate the Eastern Kentucky Lunatic Asylum, and expended the said several sums in payment of their expenses as members of said committee at Lexington, Kentucky.

Approved March 20, 1884.

No. 43.

RESOLUTION in relation to the Life saving Service at Louisville.

WHEREAS, The almost annual recurrence of disastrous floods in our rivers, attended by great destruction of human life and property, renders more and more apparent the imperative necessity of maintaining an efficient corps of life-savers at Louisville; therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That our Senators and Representatives in Congress be, and they are hereby, requested to use their best efforts to obtain an increased compensation for the gallant members of the life-saving crew now stationed at Louisville, whose heroic conduct and noble self sacrifices in hours of peril so well merit deserved reward.

The Governor is hereby requested to forward a copy of these resolutions to the Kentucky members of Congress.

Approved March 29, 1884.

No. 44.

RESOLUTION to pay certain members of the joint committee appointed to investigate the conduct and management of the Eastern Kentucky Lunatic Asylum.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts is directed to draw his warrant on the Treasurer in favor of J. D. Elliott for thirty-six dollars; A. P. Harcourt, for sixteen dollars; J. R.

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Burnam, for forty-three dollars and seventy cents; and J. A. Brents, for forty-nine dollars and twenty-five cents, being amounts actually expended by them, respectively, for board and travel while acting in joint committee investigating the conduct and management of the Eastern Kentucky Lunatic Asylum at Lexington; said sums to be paid out of any money in the Treasury not otherwise appropriated.

Approved April 4, 1884.

No. 45.

RESOLUTION in regard to expense in investigating the Western Lunatic Asylum.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That J. N. Price and F. D. Rigney, on the part of the Senate, and Walter Cleary, W. A. Bradford, and W. J. Stone, on the part of the House, committee to investigate the affairs and management of the Western Lunatic Asylum, be, and they are hereby, each allowed the sum of fifty dollars for expenses while in discharge of the duties imposed upon them, and that the sum of ninety-three dollars and eighty cents be also allowed to J. R. Sampson, who was employed as clerk of said committee, and the sum of thirty dollars be allowed to E. J. Dyke, of Lexington, Kentucky, who was a witness, and testified before said committee, and also one dollar and thirty cents to Walter Cleary for telegrams in subpoenaing witnesses; and the Auditor is hereby directed to draw his warrant on the Treasurer for said amounts.

Approved April 4, 1884.

No. 46.

RESOLUTION raising a joint committee to investigate the charges of bribing during the recent Senatorial election before the General Assembly.

WHEREAS, The present Constitution of Kentucky provides that every person shall be disqualified from holding

any office of trust or profit for the term for which he shall have been elected who shall be convicted of having given or offered any bribe or treat to procure his election ; and whereas, there have been bold and flagrant charges that divers candidates for the offices of United States Senator, Speaker of the House of Representatives, Public Printer, Warden of the Penitentiary, and Librarian, who were voted for by the members of this General Assembly, did offer and pay money for votes, did give and offer bribe and treat to procure an election; contrary to, and in violation of, the fundamental law of our State ; and whereas, the press has, by publication, made public the aforesaid charges, thereby casting upon this General Assembly reflections reproachful and inconsistent with the oath taken by the members thereof to support the Constitution of this State, and be faithful and true to the Commonwealth of Kentucky, so long as they continued citizens thereof, and they would faithfully execute to the best of their ability the duties of the office which they now hold according to law ; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That there shall be appointed six members from the House and three from the Senate, by the respective Speakers thereof, whose duty it shall be to investigate what candidate, if any, did give or offer any bribe or money to procure his election ; and if any candidate did so give or offer any bribe or money, they shall so report to this General Assembly, and shall report the name or names of the member or members, if any, so receiving or accepting any money or bribe, or who may have been offered the same. Said committee shall have full and ample power to send for all persons, books, and papers, and issue subpoenas, and compel the attendance of all necessary witnesses; and it shall be the duty of all officers of this Commonwealth, who are now authorized to serve subpoenas, to serve any and all subpoenas directed to them by said committee. The committee shall report in full the result of their investigation.

Approved April 8, 1884.

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No. 47.

RESOLUTION for the benefit of Wm. Tutson.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasury in favor of William Tutson for forty dollars, as helper at the back capitol.

This resolution to be in force from its passage.

Approved May 12, 1884.

No. 48.

RESOLUTION providing for a limited distribution of the school law.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That when the Senate has completed the school bill, the same shall be printed, and two copies furnished to each member of the House of Representatives and Senate.

Approved May 12, 1884.

No. 49.

RESOLUTION to provide for the printing of the Elliott Memorial Service.

Be it resolved by the General Assembly of the Commonwealth of Kentucky :

That the Public Printer be, and he is hereby, authorized and instructed to print in pamphlet form, in appropriate style, and at the earliest date possible, one thousand copies of the proceedings, including line of march, orations, &c. of the unveiling of the monument erected to the memory of the late Judge Jno. M. Elliott, and each member of the General Assembly shall be entitled to five copies, Judges Court of Appeals twenty-five copies each, and the balance may be distributed by the Librarian.

Approved May 9, 1884.

No. 50.

RESOLUTION providing for expenses of the committee attending the burial of Mrs. Annie B. Cook, State Librarian.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor is hereby directed to draw his warrant on the Treasurer, in favor of the following persons for the amounts opposite their respective names, being the expenses incurred in attending the burial of Mrs. Annie B. Cook, late State Librarian, viz: William Bowman, eight dollars; John D. Carroll, three dollars and eighty cents; Samuel E. Sheets, three dollars and eighty cents; Ephraim Lillard, eight dollars; Ira Julian (for flowers, &c.), seventeen dollars and fifty cents; J. A. Munday, nine dollars and eighty cents; Wilhite Carpenter, three dollars and eighty cents; W. H. Taulbee, eight dollars; A. P. Simpson, five dollars and fifty cents.

Approved April 30, 1884.

No. 51.

RESOLUTION in relation to the Green and Barren River Navigation Company.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commissioners of the Sinking Fund be, and they are hereby, instructed to negotiate with the Green and Barren River Navigation Company, and ascertain upon what terms said company will consent to cancel the lease it now holds upon the public works on Green and Barren rivers, and upon what terms it will surrender to the State the control of said rivers; and said Commissioners will report to the next session of the General Assembly whether or not said company will cancel said lease, and the terms and conditions upon which a surrender of said rivers can be obtained, and report any other facts they may ascertain looking to that end, and also report what disposition can be made of said rivers to the Federal Government in the event the State gets control of said rivers.

Approved May 9, 1884.

RESOLUTIONS.

No. 52.

RESOLUTION calling for a report from the special committee appointed to investigate certain election frauds.

Be it resolved by the General Assembly of the Commonwealth of Kentucky :

That the joint committee appointed to investigate the charges of bribery in the election of United States Senator, and in other offices elected by the General Assembly during this session, be, and they are hereby, instructed to report to the Senate and House of Representatives, in writing, on Thursday, May eighth, one thousand eight hundred and eighty-four, any and all progress thus far made in their investigation.

Approved May 8, 1884.

No 53.

RESOLUTION for the benefit of R. H. Nicol.

Be it resolved by the General Assembly of the Commonwealth of Kentucky :

That the Auditor is hereby directed to draw his warrant on the Treasurer for the sum of (\$169) one hundred and sixty-nine dollars, to be paid out of any money not otherwise appropriated, in favor of R. H. Nicol, being the amount of his bill for ice furnished to the two Houses of the General Assembly during the present session.

Approved May 12, 1884.

No. 54.

RESOLUTION to provide for the payment of certain expenses of the investigation of the Central Kentucky Lunatic Asylum.

Be it resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of the following persons for the following amounts, respectively, being expenses incurred in the investigation of the Central Kentucky Lunatic Asylum under joint resolution number one :

P. Alexander, witness claim, one dollar; W. T. Carter, witness claim, three dollars and seventy cents; T. W. Moon, witness claim, twelve dollars; Dr. John R. Holt, witness claim, twenty dollars; Mrs. Maggie Emuger, witness claim, one dollar; Hugh Barkley, witness claim, twenty-five dollars; Morton Bros., blank subpœnas, one dollar and fifty cents; J. D. Barbour, sheriff of Jefferson county, ten dollars and fifty cents; Evening Post (Louisville), for advertising, two dollars and fifty cents; Chas. S. Rhea, clerk, seventy-five dollars; Chas. A. Graham, stenographer, nine hundred and fifty-two dollars and eighty cents; Mrs. Eva Vanpelt, witness claim, two dollars.

2. The said sums to be paid out of any money in the Treasury not otherwise appropriated.

Approved May 8, 1884.

No. 55.

A RESOLUTION for the benefit of the families of certain deceased officers

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of Fannie Cecil, widow of the late George Cecil, for an amount equal to one year's salary of the Register of the Land Office, to be paid out of any money not otherwise appropriated, after deducting the amount drawn from the Treasury by the said George Cecil upon his first year's salary.

Be it further resolved, That a sum of money equal to a year's salary of the State Librarian be, and it is, appropriated, out of any money in the Treasury not otherwise appropriated, for the benefit of the children of the late Annie B. Cook, State Librarian, and the Auditor is authorized to draw his warrant on the Treasury for said sum in favor of said children or their guardian, deducting the amount of salary received by said Annie B. Cook during the current calendar year.

Approved May 12, 1884.

RESOLUTIONS.

No. 56.

JOINT RESOLUTION providing for inscription of the names of Lieutenants McKee, Talbott, and Foree upon the State monument in the Frankfort Cemetery.

WHEREAS, Grateful recognition from the State of gallant conduct and distinguished public service of her sons is a just tribute of reward, as well as the greatest stimulus to heroic deeds; and inasmuch as it appears from the official reports of the Secretary of the U. S. Navy that Lieutenants Hugh Wilson McKee, John Gunnell Talbott, and Master Alford Foree, each a magnificent specimen of young Kentucky manhood, lost their lives in braving danger, with signal courage, while discharging their duty in the service of their country,

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor is hereby directed to draw his warrant upon the Treasurer in favor of the Governor for the sum of one hundred dollars, for the purpose of having the names, date, and cause of death, of each of said young officers inscribed upon the State monument in the Frankfort Cemetery.

Approved May 12, 1884.

No. 57.

RESOLUTION directing the Attorney General to institute suit on the bond of Ralph Sheldon, late Register of the Land Office.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Attorney General for the State is hereby ordered and directed to institute, or cause to be instituted, suit upon the official bond of the late Register of the Land Office, Ralph Sheldon, for any balance shown to be due the State by his official reports, and remaining unpaid, as well as any balance due the State and for which he has not accounted in his report.

Approved May 12, 1884.

RESOLUTIONS.

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No. 58.

RESOLUTION providing for the recall of a bill from the Governor.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a committee of one member of the House and one of the Senate, to be appointed by the respective Speakers of the two Houses, be, and they are hereby, appointed to call upon the Governor, and ask leave to withdraw from his hands House bill number one thousand five hundred, entitled "An act to amend the charter of the town of Bedford, in Trimble county."

Approved May 8, 1884.

No. 59.

RESOLUTION to pay expense of committee to investigate the Louisville city court.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasurer in favor of James A. Munday for the sum of fifteen dollars, it being for expenses paid by special committee to investigate the city court of Louisville.

Approved May 12, 1884.

No. 60.

RESOLUTION withdrawing a bill from the Governor.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a committee of two from the House and one from the Senate be appointed to withdraw from the Governor a bill originating in the House, entitled "An act to authorize the counties of Metcalfe, Monroe, and Barren to raise money to aid in the construction of a railroad."

Approved May 1, 1884.

RESOLUTIONS.

No. 61.

RESOLUTION for the benefit of J. N. Culton.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That J. N. Culton, one of the sub-committee appointed to visit the Anchorage Lunatic Asylum and the Blind Asylum in Louisville, be allowed the sum of six dollars and sixty-five cents, being the amount of his traveling expenses in making said visit, and the Auditor is hereby authorized and directed to draw his warrant on the Treasurer in favor of said Culton for said amount.

Approved April 19, 1884.

No. 62.

RESOLUTION donating certain books to the Cincinnati Law Library Association.

WHEREAS, The magnificent law library of Cincinnati, which cost the association owning it over seventy-five thousand dollars, has been completely destroyed by fire—the result of the mob violence lately raging in Cincinnati—and is a complete and total loss to said association; and whereas, the use of said law library, when it was in existence, was always courteously and freely extended to the members of the Kentucky bar; and whereas, this General Assembly is desirous of showing sympathy for the great loss, as well as to aid in the creation of a new library by the Cincinnati Law Library Association; be it

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Commonwealth of Kentucky donates, and the State Librarian is hereby directed to furnish, free of charge and cost, to the Cincinnati Law Library Association, such Acts of the General Assembly of Kentucky of which there may be duplicates in the Library; also a copy of the Revised Statutes and General Statutes and Digests and Reports of the Court of Appeals.

Approved April 19, 1884.

RESOLUTIONS.

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No. 63.

RESOLUTION providing for paying expenses of the committee appointed to attend the funeral of Hon. Jas. H. Leech.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor is hereby instructed to draw his warrant on the Treasurer in favor of R. A. Burnett for the sum of forty-nine dollars and fifty cents, and F. M. Clements for the sum of eight dollars, and Ben. S. Robbins for the sum of twenty dollars, committee on part of the Senate; and W. J. Stone for the sum of eight dollars, and Jabez Bingham for the sum of six dollars and fifty cents, and W. D. Coleman for the sum of seven dollars and fifty cents, and L. D. Parker for the sum of nine dollars, and J. A. Moore for the sum of seven dollars and fifty cents, and W. J. Puckett for the sum of six dollars and fifty cents, and E. Polk Johnson for the sum of fifteen dollars and fifty cents, committee on part of the House to attend the funeral of Hon. Jas. H. Leech, for expenses incurred in discharge of the duty assigned them.

Approved April 30, 1884.

No. 64.

RESOLUTION raising a joint committee to consider the propriety of State exhibition at Louisville Exposition.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a committee, to be composed of three persons, two from the House of Representatives and one from the Senate, to be appointed by the respective Speakers, is hereby authorized; and said committee shall take into consideration the propriety of providing for an exhibit by the State at the Southern Exposition at Louisville, and shall report by bill or otherwise.

Approved April 26, 1884.

RESOLUTIONS.

No. 65.

RESOLUTION to pay certain members of the joint committee appointed to investigate the conduct and management of the Central Kentucky Lunatic Asylum.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts is directed to draw his warrant on the Treasurer in favor of L. M. Martin, for fifty dollars and seventy-five cents; Austin Peay, for fifty dollars; D. C. Walker, for forty-six dollars; W. B. Jefferson, for seventy-six dollars; L. D. Parker, for fifty dollars; and W. W. Bush, for thirteen dollars, being amounts actually expended by them, respectively, for board and traveling expenses in joint committee investigating the conduct and management of the Central Kentucky Lunatic Asylum; said sums to be paid out of any money in the Treasury not otherwise appropriated.

Approved April 15, 1884.

No. 66.

RESOLUTION expressing the sense of this General Assembly as to the proposed improvement of the James river by the Federal Government.

WHEREAS, Efforts are being made to procure the Federal Government to improve the James river by deepening its channel from its mouth to the city of Richmond, so as to render said river navigable for the largest ocean steamers from Cheaspeake Bay to said city of Richmond; and whereas, if said efforts are successful, the distance from the State of Kentucky to the seaboard will be lessened about one hundred and twenty-seven miles, thus materially reducing the cost of inland transportation on the produce of Kentucky seeking a foreign market; and whereas, such improvement, when completed, will make the city of Richmond one of the ship-building centers of the world, and largely expand its other manufacturing enterprises, thus furnishing a convenient, extensive, and remunerative market for the iron,

coal, timber, tobacco, hemp, and other mineral, forest, and agricultural products of Kentucky; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That this General Assembly views with interest the movement for the improvement of said river, and favors such appropriations and other proper action by the Federal Congress as will speedily secure to the country the incalculable benefits which must result from a successful completion of the projected enterprise.

2. That a copy of these resolutions be transmitted by the Secretary of State to each of our Senators and Representatives in Congress, with the request that they favor all proper and just legislation looking to the object aforesaid.

Approved April 8, 1884.

No. 67.

RESOLUTION in regard to the Green and Barren River Navigation Company.

WHEREAS, By an act of the Legislature, approved March ninth, one thousand eight hundred and sixty-eight, the Green and Barren rivers, together with all the improvements, water-works, rents, profits, tools, machinery, implements, and appurtenances belonging to the State of Kentucky were placed in possession of a company, named and styled the Green and Barren River Navigation Company, for a period of thirty years; and whereas, it was provided in said act relinquishing possession of said rivers and other property of the State of Kentucky, that said Navigation Company should execute bond to the Commonwealth of Kentucky, with good and sufficient security, the solvency of which was to be approved by Governor of said Commonwealth; and whereas, nearly sixteen years have elapsed since said bond was given, and many of those whose names are attached to said bond are now dead, some of whom died insolvent; and whereas, of those still living, some are reputed as not being worth but little, if anything; therefore be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor of this Commonwealth be, and he is hereby, directed to inquire into the solvency of those persons whose names are attached to the said bond given by said Green and Barren River Navigation Company to this Commonwealth; and if, upon such inquiry, said persons shall be found not to be worth the amount of said bond, which is five hundred thousand dollars, the Governor of

this Commonwealth shall notify the president and secretary of said navigation company to give additional bond and approved security to the requisite amount of five hundred thousand dollars. And if said navigation company shall, after the expiration of twenty days from said notice, fail to give said bond as required by the Governor of this Commonwealth, then shall the Governor of this Commonwealth inform the Attorney General of the State of the fact that said Green and Barren River Navigation Company have failed to comply with the compact entered into with the State of Kentucky on the ninth day of April, one thousand eight hundred and sixty-eight; and upon said information, the Attorney General of Kentucky be, and he is hereby, directed to institute suit in the Franklin circuit court against said Green and Barren River Navigation Company for forfeiture of contract and charter, for failure to give bond with good and sufficient security, as required in said act chartering the said company.

Approved April 10, 1884.

No. 68.

JOINT RESOLUTION providing for expense of the ceremonies attending the unveiling of the statue of Judge Elliott.

WHEREAS, The ceremonies attending the unveiling of the statue over the remains of Judge John M. Elliott will be a State occasion, conducted chiefly under the auspices of the State officers:

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor is hereby directed to draw his warrant on the Treasurer in favor of Thos. F. Hargis for the sum of seventy-five dollars (\$75), to defray the expenses of said ceremonies.

Approved April 28, 1884.

No. 69.

RESOLUTION for the benefit of W. B. Jefferson.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasurer for sixteen dollars and thirty cents (\$16.30), to reimburse Dr. W. B. Jefferson for his traveling and other expenses incurred as a member of the sub-committee appointed by authority of the House to visit and inquire into the wants and necessities of the Western Lunatic Asylum at Hopkinsville.

Approved April 15, 1884.

No. 70.

RESOLUTION authorizing the Adjutant General to loan guns to Joseph Hiser, post number thirteen, Grand Army Republic, at Maysville.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Adjutant General be, and he is hereby, authorized to loan to Joseph Hiser, post number thirteen, Grand Army Republic, located at Maysville, Kentucky, sixty of any guns now on hand and not in use, said guns to be under control of the Adjutant General, and subject to inspection by his order; but before said loan shall be made, the officers of said post shall execute bond, with good security, for the return of said guns when their return shall be demanded.

Approved May 3, 1884.

No. 71.

RESOLUTION for the benefit of Robert Pennington and George H. Robbins, Pages of the House of Representatives and Senate.

WHEREAS, The names of Robert Pennington and George H. Robbins were omitted from the list of pages of the House and Senate; be it

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Clerk of the House and Clerk of the Senate is directed to enter the names of Robert Pennington and Geo. H. Robbins on said list, and certify the same to the Auditor of Public Accounts for payment at the same per diem as the other pages of the House and Senate.

Approved May 12, 1884.

No. 72.

RESOLUTION providing arms for Grand Army Posts.

Resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the Adjutant General of the State be, and he is hereby, required to furnish arms and equipments to James A. Garfield Post, number two, Covington (Grand Army of the Republic); ——— Post, number three, Owensboro; Hays Watkins Post, number twenty-one, Lebanon; Croxton Post, number nine, Concord.

2. That the members of said Posts shall give bond for the proper preservation and care of said arms and equipments, and for their return whenever required by said Adjutant General.

Approved May 12, 1884.

RESOLUTIONS.

No. 73.

A RESOLUTION providing for the removal of the remains of Col. T. T. Hawkins, a Mexican veteran.

WHEREAS, The remains of Col. T. T. Hawkins lie near the cemetery at Frankfort; and whereas, the said Col. Hawkins was a gallant officer in the Mexican war, and it is the duty of the State to show honor to its noble dead; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant, in a sum not exceeding one hundred dollars, on the Treasurer, and it shall be his duty to have the remains of the said Col. Hawkins removed from their present resting place and reburied in the cemetery at Frankfort, in that portion set apart for the heroes of the Mexican War, and out of said sum, or so much as may be necessary, to pay the expenses of said removal.

Approved May 9, 1884

No. 74.

RESOLUTION for the benefit of Ferdinand Vandever.

WHEREAS, Ferdinand Vandever has faithfully acted in the capacity of messenger for the telegraph company and the General Assembly during the present session; he has been kind, gentlemanly, and prompt towards the members and officers of the General Assembly, doing service day and night, through all kinds of weather, on a compensation of only two dollars and fifty cents per week, paid by the telegraph company, out of which sum he has to pay his own board. Being very poor, with a widowed mother, he is compelled to accept such wages as he can get; therefore, as an act of justice, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That there be appropriated to Ferdinand Vandever the sum of fifty dollars, as a slight testimonial of the General Assembly's appreciation of the services of an honest, faithful boy; and that the Auditor draw his warrant for said sum, in favor of Ferdinand Vandever, on the Treasurer, to be paid out of any money not otherwise appropriated.

2. To take effect from its passage.

Approved May 12, 1884.

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LOCAL AND PRIVATE ACTS
OF THE
STATE OF KENTUCKY,

PASSED AT THE REGULAR SESSION OF THE GENERAL
ASSEMBLY, WHICH WAS BEGUN AND HELD IN
THE CITY OF FRANKFORT ON MONDAY,
THE THIRTY-FIRST DAY OF DE-
CEMBER, EIGHTEEN HUN-
DRED AND EIGHTY-
THREE.

J. PROCTOR KNOTT, *Governor.*
JAS. R. HINDMAN, *Lieut. Gov'r and Speaker of Senate.*
CHAS. OFFUTT, *Speaker of the House of Representatives.*
J. A. MCKENZIE, *Secretary of State.*
P. W. HARDIN, *Attorney General.*

CHAPTER I.

AN ACT to authorize the levy court of Nelson county to levy an ad
valorem tax for county purposes.

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky:*

§ 1. That the court of levy and claims of Nelson county
be, and are hereby, authorized and empowered to levy each
year, for the payment of ordinary county expenses, an ad
valorem tax, not to exceed ten cents on each one hundred
dollars of property in said county taxable for purposes of
State revenue, embracing all property, real, personal, and
mixed, money, choses in action, and all property taxed as
residuary for State revenue under section five, article one,
chapter ninety-two, of the General Statutes of Kentucky.

LAWS OF KENTUCKY.

Said tax to be assessed and collected as is now provided by law for the assessment and collection of State revenue and county levy.

§ 2. This act to be in force from and after its passage.

CHAS. OFFUTT,

Speaker of the House of Representatives.

JAMES R. HINDMAN,

Speaker of the Senate.

Approved January 10, 1884.

J. PROCTOR KNOTT.

By the Governor:

J. A. MCKENZIE, *Secretary of State.*

CHAPTER 2.

AN ACT in relation to common school district No. 25 in Hopkins county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the school-house in common school district No. 25, in Hopkins county, known as the "Davis School-house," and situated on a lot of ground conveyed by R. H. Davis to the trustees of said district, shall be recognized as the lawful school-house for said district, at which the common schools shall be taught. The trustees of said district and their successors in office shall cause the common schools for said district to be taught in said school-house. The school heretofore taught in said district by Ella Morton is hereby legalized.

§ 2. This act shall take effect from its passage.

Approved January 10, 1884.

CHAPTER 3.

AN ACT to amend the charter of the city of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section ten (10) of an act, entitled "An act to revise and amend the charter of the city of Newport," ap-

proved February seventeenth, eighteen hundred and seventy-four, be, and the same is hereby, repealed.

§ 2. That the police force of the city of Newport shall consist of a chief of police, a lieutenant of police, a jail guard, and thirteen policemen, who shall be appointed annually by the mayor of the city of Newport, and may, at any time, be removed by him at his pleasure.

§ 3. That the number of policemen in the last section mentioned may be increased, upon the recommendation of the mayor, by a vote of a majority of the members elect of the board of councilmen of the city of Newport.

§ 4. That this act shall take effect from and after its passage.

Approved January 10, 1884.

CHAPTER 4.

AN ACT to amend the charter of the town of Franklin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of council of the town of Franklin, shall have no authority or power to license any person to keep a saloon or sell spirituous liquors, wine, beer, or ale, or the mixture of either, unless each grantee of such license shall pay said town five hundred dollars per annum in advance, and shall also first pay to the State its license tax; and no license shall be granted for a shorter period than one year, or for the unexpired period of the year in which the license was granted; all license granted in violation of this act shall be void.

§ 2. It shall be unlawful to license any person to vend spirituous, vinous, or malt liquors beyond the limits of said town, within two miles of said town boundary.

§ 3. This act shall take effect on the day of its passage.

Approved January 11, 1884.

CHAPTER 5.

AN ACT to authorize the Bourbon county court of claims to raise and subscribe funds to build bridges over certain streams on the line of the Stony Point and Seamond's Mill Turnpike, in Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims of Bourbon county, at any regular or called term thereof, may, in their discretion, a majority of the justices of said county being present and concurring therein, appropriate any sum not exceeding (\$5,000) five thousand dollars for the purpose of aiding the Stony Point and Seamond's Mill Turnpike Road Company (a corporation created by act of this General Assembly on February twelve, one thousand eight hundred and fifty-eight) in constructing a bridge over Stoner creek, on the line of said road in said county.

§ 2. That said court of claims may in like manner, at any regular or called term thereof, a majority of the justices being present and concurring therein, appropriate any sum not exceeding five thousand dollars for the purpose of aiding the said Turnpike Road Company in constructing a bridge over Strode's creek on the line of said road in said county.

§ 3. That said appropriations shall be made on such terms and conditions as may be agreed upon by said court and said corporation, whenever said appropriation may be made.

§ 4. Said court, at the time of making such appropriation, or at any other called or regular term thereof, shall provide for paying the same by levying a tax sufficient for that purpose upon all the taxable property of said county, to be collected by the sheriff thereof, and paid over to its Treasurer, who shall hold the same for the purpose aforesaid, to be paid out as the aforesaid court may direct.

§ 5. This act shall take effect and be in force from and after its passage.

App oved January 11, 1884.

CHAPTER 6.

AN ACT in relation to a new bridge across Salt Lick creek at Vanceburg,
Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Lewis county court, at any regular term of said court, is authorized and directed to ascertain the cost of the construction of the new bridge across Salt Lick creek at Vanceburg; and the said county court, at a regular term of the court, shall levy a tax, not exceeding ten cents on each one hundred dollars' worth of taxable property subject to taxation in the county to pay for the construction of said bridge, and which tax shall be continued until said bridge is paid for. The sheriff of Lewis county shall collect the tax assessed to pay for said bridge, and shall be liable for the same upon his bond for the collection of the county levy. The sheriff shall have the same power in collecting said tax as he now has by law in collecting the county revenue and the State revenue. The sheriff shall pay over the money collected to the parties entitled upon the order of the Lewis county court, and shall have the same compensation for collecting and paying over the money as is now allowed by law for collecting the State revenue. When the county court ascertains the amount due each person in the construction of said bridge, the county judge of Lewis county is authorized and directed to issue a bond or bonds for the amount due each person, which bonds shall draw six per cent. interest; and the tax authorized to be levied by this act is pledged to redeem said bonds as they fall due.

§ 2. This act shall take effect from and after its passage.

Approved January 15, 1884.

CHAPTER 8.

AN ACT to authorize the county court of Jefferson county to increase their county levy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county levy court of Jefferson county, at its March term, one thousand eight hundred and eighty-four,

and thereafter at its regular November term, be, and they are hereby, authorized to make an additional levy of five cents on each one hundred dollars of taxable property in the said county to provide for the poor committed to the poor-house of said county, and also to provide for the poor of said county who are afflicted with small-pox.

§ 2. This act shall only apply to Jefferson county outside of the city of Louisville.

§ 3. That this act shall take effect from and after its passage.

Approved January 15, 1884.

CHAPTER 9.

AN ACT to amend an act, entitled "An act to incorporate the Chattaroi Railway Company," approved March eleven, one thousand eight hundred and seventy-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section five (5) of an act, entitled "An act to incorporate the Chattaroi Railway Company," approved March eleventh, one thousand eight hundred and seventy-three, be, and the same is hereby, amended so that the stockholders of the said railway company may elect any number of directors for said railway company, not, however, to exceed thirteen (13) in number, four of whom shall constitute a quorum to transact business; and that portion of said section five which limits the number of directors to seven, is hereby repealed.

§ 2. This act to take effect from its passage.

Approved January 15, 1884.

CHAPTER 10.

AN ACT to incorporate the Fairmount Male and Female College.

WHEREAS, Many citizens of the town of Sulphur, in Henry county, and vicinity, for the purpose of establishing an institution of learning, have subscribed as stock, in shares of twenty dollars each, the sum of five thousand dollars, and W. B. Moris, W. H. McIlvaine, R. L. Shouse, W. L.

Coleman, S. Y. Rodman, D. J. Shouse, and James J. Smith, trustees elected by the stockholders, have purchased a site near said town, and have erected thereon the buildings necessary for said institution ; therefore, in order to legalize said association and promote its object,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The name of said institution shall be the Fairmount Male and Female College. Style.

§ 2. W. B. Moris, W. H. McIlvaine, R. L. Shouse, W. L. Coleman, S. Y. Rodman, D. J. Shouse, and Jas. J. Smith, and their successors in office, are hereby constituted a body-politic and corporate, under the name of the trustees of Fairmount Male and Female College. By that name they shall have perpetual succession, with power to adopt and use a common seal, and change the same at pleasure ; to make contracts for the benefit of said college, to sue and be sued ; to acquire by gift, grant, purchase, or devise any real or personal property or money for the use of said college, not to exceed fifty thousand dollars in value ; to sell, dispose of, and convey the same according to the by-laws which may hereafter be established by the trustees. Corporators.

§ 3. The stock of the corporation shall be divided into shares of twenty dollars each, and for every twenty dollars that has been or may be paid on subscription to the stock, the subscriber shall receive a certificate for one share. Each stockholder shall, at any election held by the trustees, be entitled to one vote for each share of stock owned by him, and may vote in person or by proxy. The stock may be assigned upon the books of the corporation. Stock.

§ 4. The trustees hereby incorporated shall hold their office until the first day of September, one thousand eight hundred and eighty-eight, at which time three of their number, to be designated by lot, shall go out of office, and their successors shall be appointed by the president, by and with the advice and consent of the remaining three trustees. At the expiration of one year from said date, the remaining trustees shall go out of office, and their successors be chosen in like manner. Annually after said date the board shall

go out of office, and others be chosen in the manner aforesaid to fill their places. If a vacancy shall at any time occur in the board of trustees, the president shall fill the same by appointment.

§ 5. The election of B. F. Turner to be president of said institution is hereby confirmed. If, at any time, a vacancy shall occur in the office of president, the trustees shall elect a president to fill such vacancy.

§ 6. The president shall have power, by and with the advice and consent of the trustees, to employ teachers and professors, and to fill all vacancies that may occur in the faculty.

§ 7. The trustees shall have power to establish such rules and by-laws, not inconsistent with this charter or the laws of the land, as they shall deem necessary for the government of said college, except that they shall, in no event, make any rule or by-law that will tend to place said institution under the influence or control of any particular sect or religious denomination.

§ 8. The trustees, with the advice of the president, shall have power to confer upon the pupils of the college such diplomas or degrees as are conferred by other colleges in this Commonwealth, and they, together with the president and faculty of the college, shall sign such diplomas and affix the seal of the college thereto.

§ 9. This act shall be in force from and after its passage.

Approved January 14, 1884.

CHAPTER II.

AN ACT to incorporate the Upper Blue Lick Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robt. McVey, Samuel Wilson, Buckner Woodford, Thos. Dudley, and Jno. W. Williams, their successors and assigns, are hereby created a body-politic and corporate, by the name of the Upper Blue Lick Bridge Company; and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in

all courts and places as a natural person; and may have a common seal, and alter same at pleasure; and it shall have all other lawful powers usual and incident to corporations, and which may be requisite to carry out the objects for which it is created.

§ 2. That said company is hereby authorized and empowered to construct a bridge across Licking river, at the Upper Blue Licks, of such style, pattern, or material as the company may judge best suited to the purpose; and said company shall have the right to acquire title to such lands, in either of the counties of Fleming or Nicholas, as may be necessary to build the abutments, approaches, and supports necessary for the construction of said bridge; and for that purpose shall have the right to condemn any land necessary for its use; and the proceedings for that purpose shall be in all respects as is now provided by law for condemning land in opening roads.

§ 3. That it shall be lawful for the counties of Fleming and Nicholas each to subscribe to said bridge company's stock an amount equal to (2-5) two-fifths of the cost of said bridge, and the county judges or the court of claims of either of said counties are hereby authorized and empowered to subscribe to the stock of said Upper Blue Lick Bridge Company any number of shares of stock, the cash value of which shall not exceed in amount (2-5) two-fifths of the actual cost of said company's bridge and approaches. That the county judges of the counties of Fleming and Nicholas shall, on demand of the corporators herein named, call a meeting of the court of claims of their respective counties, or either of them, within twenty days from the time the demand shall be made, as aforesaid, for the purpose of considering the proposition to subscribe to the capital stock of the said company's bridge. The subscriptions, when made by either of the counties of Fleming or Nicholas, shall be provided for out of the county levy and taxes by the court of claims of the county making the subscription, and upon the payment of the amount by the county making the subscription, the president and board of directors of the bridge company shall issue therefor cer-

tificates of stock to said county so subscribing, as is hereinafter provided.

§ 4. The capital stock of the company shall be divided in shares of one hundred dollars each, and may consist of any number of shares, not exceeding two hundred, that may be decided upon by the board of directors of the company, and may be subscribed for by individuals or corporations. The stockholders shall, once in every year, elect five directors, and when so elected shall elect of their board a president, treasurer, and secretary of the company, who shall continue in office until their successors are elected and qualified; and the president and board of directors may adopt by-laws in which they shall provide for the transfer of stock, and the form of proxies to vote the same at stockholders' meeting, and mode of calling meeting of stockholders, and the manner of transacting business at such meetings; and said board of directors shall have the management, government, and control of the property and affairs of the company. Upon the payment by either the county of Fleming or the county of Nicholas of its subscription to the capital stock of the company, the board of directors shall issue certificate for the same, as in subscription of stock by others. Upon the subscription of three-fifths of the stock fixed upon by the company as the capital stock of the company, the organization may be completed and work commenced.

§ 5. The tolls charged by said bridge company shall be the same as those now established by law for turnpike roads, with gates five miles apart. The provisions of chapter one hundred and ten of the General Statutes regulating tolls shall be applicable to the tolls charged and collected by the company.

§ 6. Said company shall have the right to purchase the ferry and ferry privileges at the Upper Blue Lick, on Licking river.

§ 7. This act shall take effect and be in force from its passage.

Approved January 17, 1884.

CHAPTER 12.

AN ACT for the benefit of M. Gaines, of Henry county.

WHEREAS, The wife of M. Gaines, a citizen of Henry county, Kentucky, is confined as a lunatic in the Central Lunatic Asylum of Kentucky, and said Gaines desires to remove his wife from said asylum in order that he may place her in the private asylum for the insane near Cincinnati, Ohio; and whereas, under existing law the medical superintendent of said asylum cannot permit said Gaines to remove his wife for the purpose aforesaid; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the medical superintendent of the Central Lunatic Asylum is hereby directed and authorized to permit M. Gaines to remove from said asylum his wife.

§ 2. This act shall take effect from its passage.

Approved January 17, 1884.

CHAPTER 13.

AN ACT to empower the county court of Menifee county to subscribe stock in turnpike and gravel roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Menifee county, a majority of the justices of the peace concurring, shall have power, and are hereby authorized, to make subscription to the capital stock of all turnpike and gravel roads hereafter incorporated by law in said county in the sum of five hundred dollars to each mile of road, to be subscribed by said county court to the capital stock of said company: *Provided*, That before the county court pays anything for the construction of said roads in said county, that a company incorporated into a body-politic for each of said roads shall have procured from individuals, subscription or otherwise, an amount of money which, when added to said county subscription, shall be sufficient to complete said roads. The county court shall hear proof and determine whether the amount and solvency of the subscriptions have been made as required:

It is also further provided, That before said county court shall be empowered to subscribe said amount of five hundred dollars to each mile, as stated above, that each and every incorporated road shall be in length at least two and one half miles within the limits of Menifee county.

§ 2. That the county court is hereby authorized under this act, when such subscriptions have been made, to borrow sufficient money to pay such subscriptions if they deem best to do so, and shall execute bonds for the amount they borrow, due one day after date, not to bear a greater rate of interest than six per cent., payable semi-annually; and that said court shall be empowered to levy a tax sufficient to pay the principal and interest of said bonds, at such times thereafter as they deem best. The tax thus levied shall be collected as the revenue of said county is now collected, and set apart exclusively by said court for the payment aforesaid.

§ 3. This act shall take effect from its passage.

Approved January 17, 1884.

CHAPTER 16.

AN ACT to amend an act, entitled "An act to create the office of county treasurer of Campbell county," so as to authorize said treasurer to appoint a deputy, and to authorize the county court to fill vacancy in office by appointment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the treasurer of Campbell county now in office, and those hereafter elected, may appoint a deputy to assist in the discharge of the duties of said office.

§ 2. Before such deputy shall enter upon the discharge of the duties of his appointment, he shall take the same oath in the county court required to be taken by the treasurer, and execute such bond to the treasurer as he may require from such deputy.

§ 3. The appointment of such deputy, and the giving of such bond on his part, shall in nowise lessen the responsibility of the treasurer on his official bond given as treasurer of said county.

§ 4. In case of vacancy in the office of treasurer by death, resignation, removal from the county, or from other cause, the county court shall fill the office by appointment for the unexpired part of the term, or until the next election for county officers, if it comes first, when a treasurer shall be elected.

§ 5. This act shall be in force from and after its passage.

Approved January 17, 1884.

CHAPTER 17.

AN ACT to authorize Wm. J. Mayo, sr., Lewis Mayo, jr., and Wm. J. Reynolds, to erect and keep a boom in and across Beaver creek, in Floyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. J. Mayo, sr., Lewis P. Mayo, jr., and Wm. J. Reynolds, and their successors and assigns, be, and they are hereby, authorized and empowered to erect and keep a boom in and across Beaver creek, in Floyd county, for the purpose of catching and securing all such loose floating saw-logs as may be floated down said creek, or as may be found adrift thereon, whether single or rafted; said boom to be made and located as follows: The principal boom shall be within one mile of the mouth of said creek, and fastened with ropes or chains, and in addition thereto, there shall be a temporary boom located and fastened by them with ropes or chains at or near the mouth of said creek; both of said booms shall be so arranged as to permit boats and crafts to pass when the water is low and clear of logs and timber.

§ 2. They shall be, and are hereby, authorized to charge and collect from the owner or owners of any and all logs caught and held by said booms fifteen cents for each and every log so caught and held, and shall have, and are hereby given, a superior lien on said logs and timber for said charges; and when it becomes necessary to open said boom for the purpose of rafting said logs, the owners thereof shall do so, and if any owner of any logs caught and held as aforesaid shall not be present, or be unable to take care of

his logs, or shall fail or refuse to do so, then and in that event the owners of said boom are authorized to raft said logs or cause them to be rafted, and may charge and collect from the owner a reasonable compensation therefor, and shall have a like lien on the logs for rafting as for catching and securing the same. The owners of said boom shall use ordinary and reasonable diligence in securing the booms and in securing and holding the timber, but shall not be responsible for unavoidable accident and loss. No fee shall be charged for any logs which may be floated down said creek in rafts in the ordinary way, and under the control of its owner or his agent, and which shall not be adrift or unmanageable and caught by said boom. The booms shall be so constructed as to permit rafts to pass, and the owners thereof shall do so on demand of the owner of any such raft then under his control and not then held by said boom, and which is not adrift or unmanageable, if the same can be done without damage or loss. All timber rafted by the owners of said boom shall be kept by them, and the owners thereof notified immediately, if possible; and the liens herein given shall be enforced as other liens are now enforced at law, unless the fees, charges, and costs shall be paid by the owner or his agent, upon the payment of which the said timber shall be immediately delivered into the possession of said owner or his agent.

§ 3. The owners of said boom shall use ordinary diligence to keep the timber caught by them afloat or in condition to be rafted, and they or any one of them may, by writing, signed by him or them, assign and transfer his interest or any part thereof, and the owners of said boom, their successors and assigns, shall be bound by such transfer and responsible to such assignee for such part of the boomage due on all logs caught and held by said boom, as is indicated by the interest assigned to him.

§ 4. All acts and parts of acts in conflict with this act are hereby repealed.

§ 5. This act shall take effect and be in force from and after its passage.

Approved January 17, 1884.

CHAPTER 18.

AN ACT to amend the charter of the Home for the Aged of the Little Sisters of the Poor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Home for the Aged of the Little Sisters of the Poor, a charitable institution located in Louisville, Kentucky, incorporated by articles of association, filed and recorded in the office of the clerk of the Jefferson county court on the twenty-first day of May, one thousand eight hundred and seventy-two, be, and the same is hereby, amended as follows:

§ 2. That the persons named in said articles of association or corporation, their associates and successors, are hereby continued as a corporation, under the name and style aforesaid, with power to sue and be sued, contract and be contracted with, make, have, use, and alter at pleasure a common seal, acquire real and personal property for the purpose of carrying out the objects of the said corporation, which is to provide a home for destitute old persons.

§ 3. The affairs of the said corporation shall be managed by such officers and agents as may be provided for in the by-laws of the corporation; and said by-laws shall regulate the mode of appointment, term of office, and nature of the duties to be performed by such officers and agents, as well as members of the association. And said corporation may make all necessary and proper by-laws for the regulation of its officers not inconsistent with the laws of Kentucky or of the United States.

Approved January 17, 1884.

CHAPTER 19.

AN ACT to incorporate Casky Grange, number thirty-eight, Patrons of Husbandry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Casky Grange, number thirty-eight, Patrons of Husbandry, at Casky, Christian county, Kentucky, is here-

by created a body corporate, by the name and style of "Casky Grange, number thirty-eight, Patrons of Husbandry," for the purpose of advancing the agricultural interests of its members; and James Bradshaw, Robert T. Reeves, and Winston Henry shall be trustees of said grange, to hold their offices until their successors shall be elected and qualified, in whom and their successors shall vest the same powers as are conferred upon the original incorporators; and they are empowered and made capable in law to sue and be sued, to plead and be impleaded, to contract and be contracted with, to answer and be answered, in all the courts of law and equity in this Commonwealth; to make and have and use a common seal, and may make and ordain by-laws for their government: *Provided*, Said laws are not inconsistent with the Constitution of this State and the United States.

§ 2. Said corporation may hold and use for their own benefit property to the amount of ten thousand dollars.

§ 3. This act shall be in force and effect from and after its passage and approval by the Governor.

Approved January 17, 1884.

CHAPTER 20.

AN ACT to amend an act, entitled "An act to amend, revise, and reduce into one the several acts concerning the town of Lagrange," approved the first day of February, one thousand eight hundred and eighty two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section fifty of an act, entitled "An act to amend, revise, and reduce into one the several acts concerning the town of Lagrange," approved the first day of February, one thousand eight hundred and eighty-two, be, and the same is hereby, so amended as to read as follows: Any ordinance, by-law, or regulation enacted by the trustees shall, before it takes effect, be published at least one time in a newspaper of said town, if there be one published therein, or if the trustees shall so order, by written or printed copies of such ordinance, by-law, or regulation,

posted up for at least five days in not less than four public places in said town. The clerk shall make the publication as directed by the trustees.

§ 2. The trustees shall have power to fill any vacancy that may occur in the offices of police judge, marshal, or trustee until the next regular election for said town.

§ 3. So much of said act as is in conflict herewith is hereby repealed.

§ 4. This act shall take effect from its passage.

Approved January 17, 1884.

CHAPTER 22.

AN ACT to furnish law books to the circuit and county court clerks' offices of Simpson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Secretary of State be, and he is hereby, authorized and directed to furnish the clerks of the Simpson circuit and county court with such law books as were destroyed by fire in May, one thousand eight hundred and eighty-two, being such books as are usually supplied under the law.

§ 2. That before the Secretary shall proceed to furnish said books, the circuit court clerk and the county court clerk shall each certify, under oath, the books on hand now and such as were destroyed by fire, and file the same with said Secretary; and if the State has on hands any books in the State Library answering to those destroyed by fire in May, one thousand eight hundred and eighty-two, and the same can be legally spared from the library, he may furnish such books from that source to that extent; and if said books cannot be supplied from that source conveniently, it shall then be the Secretary's duty to purchase the deficiency for said Simpson county officers.

§ 3. The cost of such books and their delivery shall be certified to the Auditor by the Secretary of State, and there-

upon the Auditor shall draw his warrant on the Treasurer for said cost.

§ 4. This act shall take effect and be in force from its passage.

Approved January 19, 1884.

CHAPTER 23.

AN ACT to authorize the county court of Laurel county to issue bonds to raise money to pay for erecting a jail and other public buildings in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That to enable the county of Laurel to raise money to pay for building a jail for said county and furnishing same, the county court of said county, at a regular term of said court, or at a called term thereof, a majority of the justices of said county being present and concurring therein, may, by order of court, authorize and direct bonds of the county to be issued and sold, for any sum not exceeding six thousand dollars in the aggregate, and from time to time authorize a renewal of the same until said bonds shall be wholly paid ; which bonds shall be signed by the judge of said court and countersigned by the clerk, and made payable to order, not exceeding six years after date thereof, or at the pleasure of the court, bearing interest from date at a rate not exceeding six per centum per annum ; which interest, and at least one-sixth of the principal, shall be paid annually: *Provided*, That an ad valorem tax, not exceeding fifteen cents on one hundred dollars' worth of taxable property in the county subject to taxation for State revenue, shall be levied or collected in any one year for said purpose.

§ 2. That the judge of the court aforesaid shall cause a record to be made of all bonds that may be issued under the provisions of this act, showing the amount and date of each bond, when due, and to whom issued.

§ 3. That to enable said court to pay said bonds and the interest thereon, it may, at a regular term of the court, a majority of the justices of the county being present and con-

curring therein, increase the county levy not exceeding one dollar and twenty-five cents on each tithable in the county, over what is necessary for the ordinary expenses of the county, and levy an ad valorem tax, not exceeding fifteen cents on each one hundred dollars' worth of property in the county subject to assessment for State revenue; and the sheriff shall collect and account for same in the same manner as the county levy and revenue tax are now collected and accounted for by law, having the same right to distrain therefor; and he and his securities shall be liable in like manner, and shall pay the money upon orders of the court, who shall apply the same to the payment of the interest and liquidation of the bonds.

§ 4. That the county court shall have power to appoint a commissioner or commissioners to collect from the sheriff the money raised by this act, and pay out the same to the persons entitled thereto, who shall be required first to execute bond, with good security, for the faithful discharge of his or their duty; said bond to be executed to the county court of Laurel county, on which suit may be brought in the name of said court.

§ 5. That said bonds shall not be sold for less than their par value.

§ 6. That in case the money cannot be raised by the sale of bonds, then the money arising from the increased county levy and ad valorem tax authorized by this act may, by the orders of said county court, be applied to the indebtedness incurred by said court in erecting and furnishing said jail and interest on same.

§ 7. That this act shall be in force from its passage.

Approved January 19, 1884.

CHAPTER 24.

AN ACT to amend the charter of the Paris and Ruddle's Mills Turnpike Road Company, number two, in Bourbon county, and to authorize the court of claims of said county to raise and subscribe funds to assist in building a bridge over the line of said road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Paris and Ruddle's Mills Turnpike Road Company, number two, be, and it is hereby, authorized to erect a gate for the purpose of collecting toll at each end of the line of said road; but the toll charged shall, in all cases, be no more than that now allowed and permitted to be charged by the laws of this State regulating rates of toll on turnpike roads, and no traveler shall be charged for more than the distance actually traveled by him on the line of said road.

§ 2. That the president and directors of said road be, and they are hereby, authorized and empowered to borrow not exceeding three thousand dollars (\$3,000) for the use of said road, and an obligation signed by the president and a majority of the directors of said road shall be binding on said road to secure the payment of the said three thousand dollars (\$3,000), or any part thereof, if the execution shall be authorized by the said board of directors at any regular or called meeting of the same.

§ 3. That the court of claims of Bourbon county, at any regular or called term thereof, may, in their discretion, if necessary for public convenience, a majority of the justices of said county being present and concurring therein, appropriate any sum not exceeding one thousand dollars (\$1,000) for the purpose of aiding the said Paris and Ruddle's Mills Turnpike Road Company, number two, in constructing a bridge over Flat Run creek on the line of said road, in Bourbon county, said appropriation to be made on such terms and conditions as may be agreed upon by said court and said turnpike road company at the time when said appropriation is made. Such contract shall be entered upon the records of the said court, and this shall be the sole evi-

dence of the terms and conditions upon which said appropriation is made.

§ 4. Said court, at the time of making said appropriation, or at any other called or regular term, shall provide for paying the same by levying a tax sufficient for that purpose upon the taxable property of said county, to be collected by the sheriff thereof and paid over to its treasurer, who shall hold the same for the purpose aforesaid, to be paid out as the aforesaid court may direct.

§ 5. This act shall take effect and be in force from and after its passage.

Approved January 19, 1884.

CHAPTER 25.

AN ACT authorizing the court of claims of Fayette county to take stock to the amount of fourteen hundred dollars per mile in certain turnpike roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims of Fayette county be authorized to take stock, in any amount not exceeding fourteen hundred dollars (\$1,400) per mile, in any company or companies that may be organized to build, in whole or in part, the following turnpikes: 1. From the present terminus of the Jack's Creek Turnpike to Kentucky river, by any route that may be determined upon. 2. From any point on the Tate's Creek Turnpike to Kentucky river, at or near the mouth of Jack's creek.

§ 2. This act shall be in force from its passage.

Approved January 19, 1884.

CHAPTER 28.

AN ACT giving further time until the third Monday in March, one thousand eight hundred and eighty-four, for the sheriff of Jessamine county to execute his revenue bond.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sheriff of Jessamine county shall have until the third Monday in March, one thousand eight hun-

dred and eighty-four, to execute the bond for the collection of revenue and public dues of Jessamine county for the year one thousand eight hundred and eighty-four.

§ 2. That the county court of said county shall have power to take from said sheriff a bond, with good and sufficient security, for the collection of the revenue and public dues on or before the third Monday in March, one thousand eight hundred and eighty-four, in such manner as is now prescribed by law.

§ 3. This act shall be in force from its passage.

Approved January 21, 1884.

CHAPTER 29.

AN ACT to incorporate the Bardstown and Shepherdsville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the persons who may subscribe stock for the purpose of constructing a turnpike road from a point on the macadamized road from Nazareth, in Nelson county, to the Bardstown and Louisville Turnpike Road at the first toll-gate from Bardstown to the Bardstown and Shepherdsville road, at or near the old Wm. Hunter plantation in Nelson county, Kentucky, be, and they are hereby, created a body-corporate and politic, under the name and style of the Bardstown and Shepherdsville Turnpike Road Company, and by such name they may sue and be sued, contract and be contracted with, and shall have perpetual succession.

§ 2. Said road shall be under the control of five (5) directors, one of whom shall be chosen president by said directors, and another shall be, in like manner, chosen secretary and treasurer of said company. The directors shall be elected annually on the first Monday in June, except as hereinafter provided.

§ 3. The capital stock of said company shall be five thousand dollars, or such sum as may be necessary to build said road, to be divided into shares of twenty-five dollars each, and each stockholder shall be entitled to one vote for each share of stock held by him or her.

§ 4. The board of directors shall locate the road as near as practicable on the county road number eighty-seven, over or near which it is proposed to build the proposed turnpike road, and may determine the grade and width of the road, the width, depth, and character of the metal put on same.

§ 5. The right to condemn land for road, rock, or gravel for building and keeping the same in repair, and for a toll-gate lot, shall be governed by the law of the Commonwealth of Kentucky upon said subject.

§ 6. A. H. Stuart, J. W. Coomes, I. J. Bell, Samuel Barnes, and C. Ludwick are appointed commissioners to open books for the subscription of stock in said road at such time and place as any three of them may determine; and when five hundred dollars of *bona fide* solvent private subscription to said road shall be received, the commissioners, or a majority of them, may give written notice to the stockholders to meet, at a time and place stated in the notice, to elect directors, as provided in this act; and at said time and place the directors shall, after they have taken an oath faithfully to discharge their duties as such, elect a president, secretary, and treasurer, as directed in the section two of this act; and if, from any cause, the elections ordered in this section cannot be held at the time and place designated by the commissioners, adjournments may be had from day to day, and from place to place, until said elections shall have been held. The secretary and treasurer shall give bond to the board of directors for the faithful discharge of his duty as secretary and treasurer aforesaid, in such sum as the directors may, by order entered of record, require.

§ 7. Said board of directors, or a committee of them appointed for that purpose, may continue to receive subscriptions of stock in said road until a sufficient amount is subscribed to pay for building said road; they may also receive conveyance to land for said road-bed, lots for toll-house, or metal with which to build and keep in repair the said road.

§ 8. That upon the qualification of the president and directors they shall locate said road and cause the route to be surveyed. A majority of the board shall determine the route and location of the road.

§ 9. The stockholders shall pay their subscriptions in calls of such amounts, to such person or persons, and at such times as the board of directors may, by resolution entered of record, direct.

§ 10. If any stockholder shall fail to pay the stock subscribed by him or her, or any part thereof, he may, by a vote of a majority of the directors, be excluded from the right of voting his shares of stock; and the company may sue for and recover any unpaid subscription of stock in any court having jurisdiction thereof.

§ 11. Said board of directors may pass by-laws regulating their meetings, and all business pertaining to the building or management of said road; and they shall, through their secretary, keep a true record of all their acts and doings as directors of said road; and the same shall be subject at all times to the inspection of any stockholder or his attorney.

§ 12. Said corporation may build and construct said road to Shepherdsville, Bullitt county, Kentucky; and whenever three connected miles of the road by this charter authorized to be built is completed and received, the directors of said road are authorized to erect a toll-gate, and collect such tolls as the laws of Kentucky allow to be collected upon five miles of turnpike or gravel road.

§ 13. This act shall be in force from and after its passage.

Approved January 21, 1884.

CHAPTER 30.

AN ACT for the benefit of H. G. Cardwell, sheriff of Shelby county.

WHEREAS, H. G. Cardwell, sheriff of Shelby county, through inadvertence, failed to renew his official bonds as such, on or before the first Monday in January, one thousand eight hundred and eighty-four; now, to remedy said failure,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said H. G. Cardwell shall have, and he is hereby granted, further time until the first Monday in February,

one thousand eight hundred and eighty-four, in which to execute said bonds; and said bonds, when they shall have been executed, shall be as binding and effectual for all purposes upon said sheriff and his sureties therein, as if the same had been executed at the time provided by a .

§ 2. This act shall be in force from its passage. ●

Approved January 21, 1884.

CHAPTER 31.

AN ACT to incorporate the city of Clinton, in Hickman county.

ARTICLE I.

Incorporation and Boundary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Clinton, in Hickman county, be, and is hereby, incorporated as a city, under the name of the city of Clinton, and its corporate limits are established as follows: In the form of a square, whose sides shall run north, south, east, and west, and shall measure one and one fourth miles each, and whose center shall be the center of the court-house square in said city.

ARTICLE II.

§ 1. The officers of said city shall consist of a mayor, seven councilmen, a marshal, a treasurer, and city attorney, and such policemen as the city council may see proper to appoint, and such officers of the election as is hereafter provided.

§ 2. The mayor, councilmen, marshal, and city attorney shall be elected by a majority of the qualified voters of said city voting at the election to be held for that purpose. The treasurer and policemen shall be appointed by the city council, and may be removed at the pleasure of said council.

§ 3. Each of the officers hereinbefore mentioned shall possess all the qualifications of a legal voter at the city elections at which they are elected; and before entering upon the duties of their respective offices shall take an oath,

before some person authorized to administer an oath, that they will faithfully perform the duties of their respective offices ; and shall hold their offices for the term of two years, or until the next election, and until their successors are elected and qualified.

§ 4. The mayor and marshal, before entering upon the duties of their offices, shall execute bond, with approved security, in the Hickman county court, at either a regular or called term thereof, to the Commonwealth of Kentucky, that they will each faithfully perform all of the duties of their respective offices. The bond of the mayor shall be similar in all respects to that now required by law of a justice of the peace, and the bond of the marshal shall be similar in all respects to that now required by law of a constable. Said bonds shall be taken and approved by said court, and be filed in the clerk's office of said court, and remain as a part of the records of said office. The treasurer, before entering upon the duties of his office, shall execute bond with approved security to the city of Clinton, before the city council, that he will faithfully perform all the duties of treasurer of said city, which bond shall be taken and approved by said council, and filed as part of the records of said city.

§ 5. Upon these bonds either the city of Clinton, or any person aggrieved thereby, may, in his own name, maintain an action in any court having jurisdiction thereof, to recover any damages sustained by them by reason of the failure of either of said officers to perform the duties of their respective offices.

ARTICLE III.

Elections.

§ 1. Within twenty-five days after the passage and approval of this act, an election shall be called and held at the court-house, or some other convenient place in said city, for the election of a mayor, seven councilmen, marshal, and attorney for said city. Said election shall be called by the Hickman county court, designating the time and place of holding same. Notice of which shall be given by the clerk of said court by advertisement in some newspaper published

in said city, or by notice posted in three of the most public places in said city at least two weeks previous to said election. The officers holding this election shall be appointed by the Hickman county court at either a regular or called term of said court. At which election all of the male inhabitants of said city, who are *bona fide* residents thereof, and who are of the age of twenty-one years and over, shall have the right to vote.

§ 2. The next regular election for said city shall be held upon the second Saturday in May, one thousand eight hundred and eighty-six, and every two years thereafter, at the court-house, or some other convenient place in said city, to be designated by the mayor of said city, at which election all of the male inhabitants of said city of the age of twenty-one years and over, who have been *bona fide* residents of said city for six months next preceding said election, and who are not in arrear for taxes due the city, shall have the right to vote.

§ 3. The officers holding said election shall be appointed by the mayor of said city, by and with consent of council.

§ 4. The officers of all elections for said city shall consist of two judges, a sheriff, and clerk, and shall have the same rights, powers, and privileges, and shall perform the same duties, under the same responsibilities as similar officers under the State law, in holding the State and county elections. It shall be the duty of judges of the election to compare the poll-books and return them to the mayor of said city, except that the poll-books of the first election shall be returned to the county clerk of Hickman county; and they shall make a statement in writing, signed by them, of the number of votes received by each candidate, and certify the names of those elected. The poll-books, certificate, and statement of the first election shall be filed in the clerk's office of Hickman county, and kept as part of the records of said county. Those of all subsequent elections shall be filed with the mayor and kept as a part of the city records.

§ 5. If for any cause no election should be held in said city, at the regular time for holding said election, then the city council shall have the power to order an election, which.

shall be advertised and held, in the same way and manner, by the same officers, as hereinbefore provided for the holding of the regular elections.

ARTICLE IV.

City Council.

§ 1. The city council of the city of Clinton shall be composed of the mayor, who shall act as chairman and clerk of the council, and the seven councilmen and the mayor; and any four of said councilmen, shall constitute a quorum for the transaction of business, or, in the absence of the mayor, any five of said councilmen one of whom shall be chosen by the others as chairman and clerk, shall constitute a quorum for the transaction of business.

§ 2. Said city council shall be a body-politic and corporate, under the corporate name of the city of Clinton, and shall have perpetual succession, and may sue and be sued, contract and be contracted with, and do and perform all under corporate acts under said name.

§ 3. The fiscal and prudential affairs of said city, and legal title to all the streets and alleys in said [city], and to real and personal property which now does or may hereafter belong to said city, is hereby vested in said city council and their successors in office, with the power to receive and hold real and personal estate by purchase, donation, or otherwise for the use or ornament of the city, and use, lease, or sell said estate as they may deem expedient.

ARTICLE V.

Powers of the City Council.

§ 1. 1st. Said city council shall have legislative power to make any by-laws or ordinances they may deem necessary for the good government of the city, not contrary to the charter or the general laws of the State of Kentucky and the United States; also

2d. To regulate the time and place of their meeting, not to be less, however, than once every month, and change them at their pleasure, and determine the rules of their proceedings, and to enact laws to compel the attendance of mem-

bers at any meeting, either regular or one called by the mayor or any two members of the council.

3d. To employ a competent police force, and fix their fees and emoluments; and to fix the fees and emoluments of the mayor for his services as clerk of the council; and to fix the fees and emoluments of the marshal for his services to the city as such marshal; and also for his services for assessing and collecting the taxes due said city; and to fix the fees treasurer, and the officers of the election for their services.

4th. To make by-laws and regulations for the cleanliness, good order, decency, and decorum of the city; and for the preservation of the peace, health, lives, and property of the inhabitants of said city.

5th. To adopt and enforce sanitary regulations to prevent the introduction and spread of epidemic and contagious diseases; and, if necessary, to establish and preserve a quarantine against all persons supposed to have come from a district where an epidemic or contagious disease prevails; and to cause the arrest of such persons who attempt to enter said city, or to remove them after they have entered said city.

6th. To open, clear the streets, alleys, and sidewalks of all obstructions; to erect or sink cisterns, wells, and pumps; and to ornament the grounds belonging to the city.

7th. To cause all nuisances to be regulated and abated; and to regulate the storage of all combustible or unwholesome material.

8th. To cause any chimney, flue, stove-pipe, or fire-place to be changed and repaired, so as to remove any cause of danger or insecurity that may exist.

9th. To prevent the owners or occupiers of any property fronting on streets or alleys from depositing any dirt, filth, or other obstruction in streets, alleys, or sidewalks, and to cause them to remove the same if so deposited.

10th. To maintain and carry into judgment and execution any appropriate action for the recovery of any property or choses in action vested in them; and for damages for the taking, detention, injury, or destruction of such property or choses in action.

11th. To prohibit the erection of wooden buildings, whereby great injury may ensue to valuable and permanent improvements in any part of said city.

12th. To suppress houses of ill-fame, disorderly houses, and gaming of every description, whereby money or property is won or lost.

13th. To establish fire companies, and to procure the necessary engines and implements, and make such regulations as they may think necessary in relation thereto.

14th. To establish a work-house and watch-house, and appoint officers to superintend the same.

15th. To restrain and prohibit the running at large of hogs and cattle in said city, and to authorize the distraining, impounding, and sale of same, and to prevent the running at large of unmuzzled dogs, and authorize the destruction of same.

16th. To impose penalties for any violation of the by-laws, ordinances, or regulations of the city, or for the refusal of any person to conform to the regulations or orders of the city council or officers of the city within the scope of their authority, powers, and duties granted by this charter and the laws of the State.

Revenue and License.

§ 2. That the city council shall have power and authority, annually—

1st. To assess, levy, collect on the property within the limits of said city subject to taxation for State revenue, a tax not to exceed seventy-five cents on the one hundred dollars' worth of the said property.

2d. To levy, assess, and collect a poll-tax not exceeding two dollars and fifty cents on each male inhabitant of said city over the age of twenty-one years.

3d. To tax and license all shows and exhibitions of all kinds other than school exhibitions, not exceeding twenty-five dollars for each exhibition.

4th. To tax and license all auctioneers in the sum of fifty dollars per annum for selling goods at public outcry in said city, except property sold by citizens of the city of their

own manufacture, or by order of court, or under execution or distress warrant, or by fiduciaries.

5th. To tax and license peddlers and itinerant venders of goods, wares, merchandise, and medicines, and to tax and license butchers, and prevent any business of this kind being done in said city without license.

6th. To suppress and prohibit the setting up and use for hire of any billiard, Jenny Lind, or pigeon-hole tables, or any similar contrivance in said city.

• *Streets and Sidewalks.*

§ 3. The city council may, from time to time, cause to be constructed pavements or sidewalks of such width and of such materials, and in such manner, and at such elevation, along such streets and alleys in said city as they may deem expedient, and also to have the same repaired in such manner as they may direct. Also to have graded and graveled such streets and alleys in said city in such manner as they may direct. All of which shall be done at the cost of the city, and shall be paid for by the city; and any contract for the doing of which may be let out by the council publicly to the lowest and best bidder, or they may contract privately therefor; but any citizen of said city owning property in front of which a pavement or sidewalk is directed by said council to be built, shall have the privilege of building said pavement or sidewalk according to the directions of said council as to the time, manner, material, width, and elevation of the same, and the marshal of the city shall supervise the building thereof, and see that it is done according to the directions of the council. When such pavement or sidewalk is so built, the person building same shall notify the council thereof, and said council, if they receive it, shall allow him the actual cost of material and labor in building same, to be ascertained by his oath and such other evidence as the council may require; and said cost, when so allowed, shall go as a credit on the property tax of said person due the city from year to year, until it is wholly paid by such tax. If said pavement or sidewalk is not built according to the directions of said council, they may refuse to allow any-

thing for the building thereof. The person desiring to build said sidewalk or pavement as aforesaid shall notify, either verbally or in writing, the mayor or city council of his desire to claim said privilege, which notice shall be given before the contract for the building of same shall be let out to some other person.

Opening Streets.

§ 4. The city council may, whenever in their opinion the public convenience requires any street, alley, lane, or highway to be opened, laid out, extended or straightened, obtain by purchase, from the owners thereof, such real estate as may be necessary therefor. And in all cases when they cannot obtain by purchase such real estate, they shall have power to cause to be filed a petition in the Hickman county court for the condemnation of such real estate, upon which petition such proceedings shall be had as is now required by law for the condemnation of real estate for the purpose of public roads. All persons having an interest or ownership in said real estate shall be made parties defendants to said petition. The proceeding in the action shall be regulated by the General Statutes and the Civil Code of Practice of Kentucky.

ARTICLE IV.

Duties of the City Council.

§ 1. It shall be the duty of the city council—

1st. To keep a journal of their proceedings, and at the request of a member the yeas and nays on any question shall be recorded, and no member shall vote on any question in which he has a private interest.

2d. To keep an account of all moneys levied, collected, and disbursed on a book to be kept for that purpose, and state on said book from what source, and when said money was received, and when and to whom and for what the same was disbursed.

3d. To once a year give a full and fair statement in writing, signed by the mayor, of all sums collected and all sums disbursed the preceding year; said statement shall show fully the source from which all moneys was received; and

shall for what each sum was disbursed, and the amount of all debts due the city, which shall be printed in a newspaper published in the city, or posted up for inspection at three of the most public places in said city.

4th. To cause all orders and proceedings of the council to be entered on the journal and signed by the mayor or chairman *pro tempore*.

5th. The city council shall have the power, if they see proper so to do, by an order on their records, to have the streets of said city worked in the same manner as the public roads of the county are now worked; and may direct the marshal to perform all of the duties in that respect that are now required by law of a surveyor, or they may appoint a surveyor for that purpose. If they choose to so work said streets, then all of the general law applicable to the working of public roads in the county shall apply to the working of the streets in said city and to the hands in city; and the same penalties prescribed by law for failure to attend and work on public roads of the county, shall be imposed upon any hand in said city who fails to attend and work upon said streets after notice as required by the general law.

ARTICLE V.

Duties of the Mayor.

§ 1. It shall be the duty of the mayor to exercise a general supervision over all of the executive and ministerial officers of the city, and to see that all of the laws, ordinances, rules, and regulations of the city are faithfully executed. He shall preside at the meeting of the city council when present, and shall also act as clerk; and, in case of a tie, shall give the casting vote. It shall be his duty to keep and preserve all the books, papers, and records belonging to said city; and he shall keep a regular journal of all the proceeding of said council, and record all of its acts and resolutions, and draft all agreements between the council and other persons. He shall furnish attested copies of all acts or orders passed by said council, when required to do so by a person entitled to demand the same. He shall

draw his order on the treasurer for all sums due persons on claims allowed by the council. Upon the return of the assessment list to the council, and after it has been received and corrected by them, he shall make out a list of the persons and property upon which taxes are due and unpaid, and preserve the same among the records of the city; and shall make out and deliver a copy thereof to the marshal of said city, within fifteen days after said assessment list shall have been received and corrected by the council. He shall faithfully and properly perform all of the duties pertaining to his office, either as clerk or mayor.

Treasurer.

§ 1. The treasurer appointed by the council shall receive and receipt for all moneys paid to him upon the order of the council, and he shall pay no money without a copy of the order of the council making the appropriation, signed by the mayor; and he shall file all such vouchers for settlement with the council. He shall keep a correct account of all moneys received and paid out by him, and his books shall at all times be open to the inspection of the officers and citizens of the city. He shall, on or before the tenth day of October in each year, report to the mayor and council of the city a true list of all the taxes and moneys received by him, and all sums paid out by him, and shall make a settlement of his accounts with the council once every six months, and oftener if required by the council so to do so; and shall report to them the condition of the treasury whenever they so direct. Upon his settlement with the council, he shall produce the vouchers for all amounts paid by him upon order of the council, and the receipt of the person to whom the same was paid, and if correct, he shall have a credit on the books of the city for all the amounts so paid. The vouchers, after being thus used on the settlement, shall be filed with the mayor, and kept as a part of the records of the city. Whenever said treasurer shall retire from office, he shall make a final settlement in the manner above specified, and shall pay over any money remaining in his hands belonging to the city to the person directed by the council. When he has made such

final settlement and paid over such money in his hands as aforesaid, the mayor may give him his quietus.

Duties of the Marshal.

§ 1. It shall be the duty of the marshal of said city to call upon persons owning taxable property in said city, or their agents, or who are liable to pay a poll-tax, and make out a true list of their taxable property, with the value thereof, which list shall be made upon the oath of the party, to be administered by the marshal; and said list shall, for the purposes of a poll-tax, include all male inhabitants of said city over twenty-one years of age.

§ 2. If any one shall refuse to give a list of his or her taxable property, the marshal shall make out a list thereof from the best information he can procure. If there is any taxable property in said city, the owners of which are absent or unknown, the marshal report the fact specifically on his lists, and the council shall fix the valuation of such property, and cause it to be appended to the assessment lists. He shall make out a copy of said lists in alphabetical order, similar to that now required by law of the county assessor, and return the same to the city council, together with the original lists, on or before the first day of May, annually.

§ 3. Upon the return of the assessment list, it shall be the duty of the council to supervise and correct the same within ten days after its return, and increase or decrease the valuation of any property on said lists when, in their opinion, the same has been valued at too small or too great an amount; and they shall give five days' notice of a meeting to be held [by them] on or before the fifteenth day of May in each year, at which any person who may feel themselves aggrieved by an excess of valuation may appear, and, upon satisfactory evidence, the council may change such valuation, whether the same was made by them or the marshal or the persons themselves.

§ 4. The council shall have power to summons witnesses to attend and give their evidence either for or against such persons. The marshal shall attend said meetings and give all the information he can concerning the subject of inquiry.

§ 5. When said assessment list have been thus supervised and corrected and a copy thereof has been delivered by the mayor to the marshal as hereinbefore provided, which shall be done on or before the first day of June annually, it shall be the duty of the marshal to receive said lists and immediately proceed to collect the same, and in the collection thereof he shall have the same powers and be under the same responsibilities that the sheriff now has and is under in collecting the State revenue and county levy; and the same property shall be liable to the payment thereof, and in the same manner that is now liable by law to the payment of the State revenue and county levy. He shall make a settlement with the council once every six months, and oftener if required by them so to do; and at such time shall pay over to the treasurer, upon order of the council, all money belonging to the city, whether received for taxes or from other sources, then in his hands; the receipt of the treasurer therefor shall, when filed with the mayor, entitle the marshal to a credit for that amount on the books of the city.

§ 6. On the fourth Monday of March of each year he shall make a final settlement of all his accounts for the preceding year with the council; and, upon their order, shall then pay over to the treasurer all sums belonging to the city then in his hands; and the receipt of the treasurer therefor, filed with the mayor, shall entitle him to quietus for that year's accounts from the council.

§ 7. When the tax lists go into his hands for collection he shall be charged upon the books of the city with the whole amount thereof; he shall make out and return to the council on the first Monday in December, annually, a list of all of the delinquent taxes due said city on the lists for that year; and said council shall allow him a credit on his accounts for all delinquent taxes that cannot be collected.

§ 8. The delinquent list so allowed may again be placed in his hands for collection, in which event he shall be required to account therefor whenever required by the council so to do. On all taxes due the city remaining unpaid on the first day of December in any year the marshal shall

collect ten per centum additional on the amount as a penalty for the non-payment thereof.

§ 9. The city shall have a lien for all taxes due it on all the property of each person in the city, which shall not be defeated by gift, devise, sale, alienation, or by any means whatever. Property in the city shall be listed for taxation as of the first day of April in each year. The same persons are liable for city taxes on land in said city that are liable for taxes on land to the Commonwealth. The person owning or possessing property in said city on the first day of April of each year shall list the same with the marshal and remain bound for the tax, notwithstanding he may have sold or parted with the same.

§ 10. The marshal of said city shall have all the powers and be liable to all the duties and responsibilities of a constable, and may execute all process and do all things within the county of Hickman that a constable can do in said county; but he shall not be compelled to take any business beyond the corporate limits of said city against his wishes. He shall perform all of the duties of a constable as to any process legally directed to him, and in the same time and manner as the law directs in regard to constables. It shall be his duty to execute and make due return of all notices and processes legally directed to him, and receive and collect fines and forfeitures due the city, and account for and pay over the same at the time and in the manner required herein. He shall attend upon the meetings of the council and execute all orders and notices issued by them. He shall be allowed to charge the same fees and commissions that are allowed to constables for similar services, and for all other services shall receive such salary or compensation as may be determined by the council.

Sale of Land for Taxes.

§ 1. If there be no personal property which the marshal can distrain for taxes due, and the same shall not be paid by the first day of November in any year, the marshal may levy on any real estate in said city belonging to or listed by said delinquent tax-payer; and after advertising the sale as

required by law for the sale of real estate under execution, and sell so much thereof, for cash in hand, as will pay the taxes due, and his commissions in the same manner as lands are sold under executions, except the land need not be valued.

§ 2. And if no one will bid for and purchase said land at the price of the taxes due and costs of sale, it shall be the duty of the marshal to purchase the same for the city, bidding therefor the taxes due and costs of sale. The owners of such real estate, his representatives, heirs, or assigns, shall have the right to redeem the same from the purchaser thereof by paying the purchase money, with interest at the rate of ten (10) per centum per annum, and all costs accruing after the sale, if any, at any time within two years from day of sale.

§ 3. Any married woman, minor, or other person laboring under disability, shall have two years after such disability is removed in which to make such redemption; but the committee of a person of unsound mind shall be allowed only five years from the day of sale to redeem the same, though disability continue longer.

§ 4. The land sold may be redeemed as aforesaid by paying the money to the purchaser, his agent, or the mayor of the city. It shall be the duty of the marshal to give the purchaser a certificate of purchase, containing a description of the land sold, time of sale, quantity, and price paid for it.

§ 5. The marshal return a report in writing to the mayor of the city, signed by him, within twenty days after sale, showing when the sale was made, and to whom, and for what price, and giving a description of the land sold as fully as he is able to do; which report shall be recorded and indexed by the mayor in a book provided and kept by him for that purpose.

§ 6. If the marshal fail to make the return of sale as aforesaid, the purchaser may file the marshal's certificate with the mayor, which shall be recorded and indexed as aforesaid, and shall have the same effect as the marshal's report would have had if returned. If the land shall be redeemed, the purchaser or the mayor shall enter on the

margin of the book opposite the report or certificate of purchase a release of the claim. Copies of the record aforesaid, certified by the mayor, shall be evidence of the facts stated in them in all the courts of this Commonwealth.

§ 7. If the land sold is not redeemed within the time prescribed as above, it shall be the duty of the marshal or his successor in office, upon demand, to convey the same to the purchaser, his heirs or assigns, by deed without warranty, which deed shall be examined and approved by the mayor or his successor in office, and shall pass to the grantee therein all the right, title, and interest owned in the land at the time of the assessment by the person against whom the taxes were assessed and for which it was sold. The deed shall be acknowledged by the marshal before the county clerk, and recorded in his office in the same manner required by law as to other deeds conveying real estate.

§ 8. The fees of said marshal for making said levy, sale, return, [and] deed, shall be the same as that now allowed by law to the sheriff for similar services under the State law; and the fees of the mayor for his services herein shall be the same as that allowed by law to the county clerk for similar services under the State law; all of which shall be paid by the purchaser or the person redeeming the land. Such land as may have been bought in by the marshal for the city, if not redeemed within the time above prescribed, shall be conveyed by the marshal to the city of Clinton, in the same manner as above prescribed as to other purchasers; which deed shall be examined and approved by the mayor and acknowledged before the county clerk by the marshal, and recorded in the same manner, and shall have the same effect as is above prescribed as to deeds to other purchasers.

Judicial.

§ 1. There shall be a court in said city, to be known as the Police Court of the City of Clinton. It shall be a court of record, and the mayor of the city shall be the judge thereof. Said court shall have jurisdiction of all causes, civil, criminal, and penal, in which justices of the peace of Hickman county have jurisdiction, which jurisdiction shall

be co-extensive with the county, and in all criminal and penal cases he shall have the jurisdiction of two justices of the peace, and he shall have exclusive jurisdiction of all infraction of the by-laws and ordinances of the city, and of such misdemeanors committed within the city as would be within the jurisdiction of the justice of the peace under the general law.

§ 2. Said court shall also have the power to cause the arrest of persons for breaches of ordinances of the city, or criminal or penal laws of the State, and commit or discharge or admit to bail, if bailable, and take recognizance with surety to appear before the proper tribunal, and to impose such fines and penalties as prescribed by law for the breaches of laws or ordinances within its jurisdiction. Said judge shall be a general conservator of the peace within the county.

§ 3. Said court shall be governed in its rules of procedure by the Codes of Practice, and appeals from its judgments shall be taken as therein prescribed. The proceedings for enforcing the judgments and orders of said court shall be the same as those under the general law for enforcing the judgments and orders of courts of justice of the peace; and the same process may be issued by said court for that purpose as may be issued by a justice of the peace.

§ 4. Said court, whenever it is necessary, may detain offenders over night, or, if such persons are drunk, until they are sober, in the county jail or other safe place. A return of "not found" on a *capias pro fine*, or a return of "no property found" on an execution of *ferri facias* issued from the police court, shall authorize, in competent civil jurisdiction, the same proceedings for the satisfaction of the judgment that may be had in civil cases after a return of no property under the general law. The defendant in any judgment, fine, or forfeiture shall have the right, at any time, to replevy the same for three months, in the same manner as allowed by law as to judgments of justices of the peace.

§ 5. The judge of said court shall be his own clerk, and shall keep a full and complete record of all his proceedings, and all process issued by him, and returns thereon, in the

same manner as is now required by law of a justice of the peace.

§ 6. The process of said court may be directed to, and executed by, the marshal of said city, or any sheriff, constable, policeman, or other marshal. It shall run in the name of the Commonwealth of Kentucky, and may into any county of the Commonwealth.

§ 7. The judge of said court shall be entitled to a fee of fifty cents for issuing a warrant, and one dollar for each judgment and recording the same; and for all other services he shall be entitled to the same fees that are allowed justices of the peace in similar cases.

§ 8. All of said fees are to be taxed as cost and paid by the unsuccessful party or the party against whom the judgment is rendered; but the city shall in no case be liable for the costs in any prosecution in said court.

§ 9. The judge of said court shall, before entering upon the duties of his office, take the same oath of office required by law of a justice of the peace; and, for the purpose of trying civil cases, shall have four regular terms of his court per annum, which terms shall be held every three months; and the day for holding same shall be fixed by the county court of Hickman county by an order on its records; but for the purpose of trying any offense against the criminal or penal laws of the State within its jurisdiction, or against the by-laws or ordinances of the city, said court shall at all times be open.

City Attorney.

§ 1. The city attorney of said city shall be a licensed, practicing attorney, and a resident of said city for one year preceding his election. It shall be his duty to perform all service incidental to his office, and when required, to furnish opinions on all subjects submitted to him by the council. He shall prosecute all offenses committed in the city and tried in the police court of said city, and shall receive for his services thirty per cent. of all fines and forfeitures imposed by said court; which thirty per cent. shall not be subject to be remitted. For any other service performed by

him, he shall receive such compensation as the council may allow. He shall not receive any portion of a fine or forfeiture until the collecting officer has received the same.

Vacancy in Office.

§ 1. A vacancy in the office of mayor or marshal be filled by an election to be called by the council and held in the same manner as herein prescribed for the holding of the regular elections; of which election two weeks' notice shall be given by the council, either in a newspaper published in said city or by notice posted at three of the most public places in the city.

§ 2. The officer at said election shall hold his office until the next regular election, or until his successor is elected and qualified. A vacancy in the office of attorney, councilman, or treasurer, shall be filled by appointment by the council.

Miscellaneous.

§ 1. In case the mayor of said city shall be guilty of an infraction of the by-laws or ordinances of said city, or any other offense within the jurisdiction of the city court, he shall be tried by the justice of the peace residing in or nearest said city.

§ 2. If any officer of said city shall take or agree to take any bribe to do or not to do any act in his official capacity, he shall forfeit his office, and be fined in any sum not less than two hundred nor more than one thousand dollars, to be recovered by indictment in the Hickman circuit court.

§ 3. No lands or other property within the corporate limits of said city used entirely for farming purposes shall be subject to taxation; but whenever said lands are laid off into lots, they shall then be subject to taxation.

§ 4. If, for any reason, the marshal of said city shall fail or refuse to assess or collect the taxes due the city, the council may appoint an assessor or collector of said taxes, and fix the compensation therefor; and the person so appointed shall have all the rights and powers, and be subject to the same responsibilities and duties, as is herein provided for the marshal in assessing and collecting said taxes.

§ 5. It shall be the duty of the council to annually assess a tax upon each dog in said city, owned or kept by a resident of said city, of ten dollars and fifty cents on each male dog, and five dollars on each female dog, which shall be assessed by the marshal as other taxes; and if the same is not paid by the owner or keeper on proper demand of the marshal, the marshal have the power, and it shall be his duty, to kill said dog.

§ 5. All fines and forfeitures denounced or prescribed for offenses within the exclusive jurisdiction of the police court of the city of Clinton shall inure to the benefit of said city.

§ 7. All acts or parts of acts in conflict with this act are hereby repealed; but it is provided always that nothing in this act shall repeal, or in anywise affect, the act approved _____, prohibiting the sale of spirituous, vinous, and malt liquors in school district number seventeen, in Hickman county, and said act is hereby continued in full force in the city of Clinton as heretofore in the town of Clinton.

§ 8. This act shall take effect from and after its passage.

Approved January 21, 1884.

CHAPTER 32.

AN ACT to incorporate the Normal School and Business College of Madisonville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the literary and professional institution heretofore established in the town of Madisonville shall hereafter be known as the Madisonville Normal School and Business College.

§ 2. That Jno. G. Morton, Jos. S. McCulley, and E. McCulley as a board of trustees, and their successors, shall be a body politic and corporate, by the name and style of the board of trustees of the Madisonville Normal School and Business College.

§ 3. That said board of trustees, with the advice and consent of the president of said institution, shall have power to make all by-laws and regulations necessary for the management and control of said institution.

§ 4. That the board of trustees shall elect one of their number president of said board, two members constituting a quorum. The other members may be elected to such offices as are necessary to the proper transaction of the business of the board.

§ 5. When any vacancies occur in the said board of trustees, or in the faculty of said institution, the remaining members shall have power to fill such vacancies, or they may delegate such power to one member of the board; this they may do in all matters of business which may legally come before them.

§ 6. That the president and teachers may confer degrees and grant diplomas, signed by the president and teachers of the institution, together with its seal; and such degrees and diplomas shall be as valid as those of any other literary or professional institution of the State: *Provided*, That no degree shall be conferred upon any student who may fail to complete the required course of studies, or who is wanting in business power or good moral character.

§ 7. This act shall take effect from its passage.

Approved January 21, 1884.

CHAPTER 33.

AN ACT authorizing the county levy court of Meade county to levy an additional ad valorem tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county levy court of Meade county is hereby authorized to levy an additional ad valorem tax, not to exceed twenty cents on the one hundred dollars' worth of taxable property in said county, for the purpose of paying off the indebtedness of said county; said tax is to be levied for the year one thousand eight hundred and eighty-four.

§ 2. That it shall be the duty of the sheriff of said county to collect said tax under the same laws and responsibility, and to receive the same compensation, as is now prescribed by law for the collection of the county levy, and pay over the same according to the order of said county levy court.

§ 3. That said sheriff shall execute a bond, with good security, with property in this State subject to execution over and above said sureties' just debts, a sum double the amount of the taxes to be by said sheriff collected. Said bond shall be executed to the Commonwealth of Kentucky, binding said sheriff and surety or sureties, jointly and severally, to the Commonwealth of Kentucky; that said sheriff as such shall well and truly collect, account for, and pay over said taxes to the person or persons authorized to receive same, under and by virtue of the orders of the Meade county levy court and provisions of this act.

§ 4. This act shall take effect and be in force from and after its passage.

App oved January 21, 1884.

CHAPTER 34.

AN ACT for the benefit of Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The county levy court of Henry county is authorized and empowered to levy each year, for three years, an ad valorem tax, not to exceed fifteen cents on the one hundred dollars' worth of taxable property in any one year, for the purpose of building bridges and defraying other unusual expenses.

§ 2. Said court is also authorized and empowered to appropriate to the payment of the usual expenses of the county, any balance that may be left of the sum arising from the tax collected for the purpose of building the court-house, after said court-house is paid for.

§ 3. This act shall take effect from its passage.

Approved January 21, 1884.

LAWS OF KENTUCKY.

CHAPTER 35.

AN ACT for the benefit of the county judges of Green, Taylor, Bath, and Lyon counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the present county judges of Green, Taylor, Bath, and Lyon counties may practice as attorneys at law in any court of their respective counties, except in inferior courts when appeals have been or may be taken to the quarterly courts of said counties, or in cases that have been taken or may be taken by appeal from the county or quarterly courts of said counties, or in cases involving settlements of the estates of decedents, and accounts of guardians or trustees that have been made before them, respectively, as county judges.

§ 2. This act shall take effect from and after its passage.

Approved January 21, 1884.

CHAPTER 36.

AN ACT to incorporate the Falmouth and Fishing Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby created a corporation, styled the "Falmouth and Fishing Creek Turnpike Road Company," with perpetual succession, and the right in said name to contract and be contracted with, to sue and be sued, plead and be impleaded; to have a common seal, and all other rights and powers incident to and necessary to carry into effect the powers hereinafter specifically granted.

§ 2. That B. B. Mullins, P. E. Morgan, and Joseph L. Thompson are hereby appointed and made commissioners to organize said company, and they, or either one of them who may choose to act, may open books for the subscription of stock, and call an election for the election of the first board of directors, and do all such other acts and things as may be necessary to completely organize said company.

§ 3. That the business of said company shall be to build, manage, and control a graded and macadamized turnpike road, from a point on the Williamstown branch of the Falmouth Turnpike, at or near where their toll-house now stands, then upon the most eligible ground and best route to terminate at or near the dwelling-house upon the poor-house farm, the grade not to be more than four degrees, and the width of grade, the ditching, slopes of cuts and fills, the width, depth, and character of the metal, to be fixed by the board of directors, but the width of the metal not to be less than fourteen feet, and the average thickness or depth not less than nine inches. The board of directors may determine upon and fix the route, and may acquire the right of way for said road, and the necessary land for a toll-house, for stone, gravel, and timber, and other material for constructing and repairing said road, either by private agreement or by condemnation, under a writ of *ad quod damnum*

§ 4. The capital stock of this company shall not exceed ten thousand dollars, and shall be divided into shares of fifty dollars each; and each stockholder shall be entitled to one vote for each share of stock in the election of officers, and every person who shall hold one share of paid-up stock shall be deemed a stockholder.

§ 5. That the business of said company shall be under the direction and control of a board of three directors, who shall be elected annually by the stockholders, on the first Monday in April of each year, and shall hold their office for one year, and until their successors are elected and qualified.

§ 6. That the board of directors shall, so soon as they are elected and qualified, proceed to elect one of their number as president of said board, who shall preside at their meetings. The board shall have the power to select for the company a secretary and treasurer, and such other officers and agents as they may deem necessary; and said board shall have power to prescribe their duties and fix their compensation.

§ 7. That it shall be the duty of the secretary to keep the books and accounts of said company, and to attend the

meetings of said board, and keep in a book an accurate record of all its proceedings.

§ 8. That the treasurer of said company shall be the custodian of all moneys belonging to it, and shall pay the same on the order of the board of directors, certified to him by the secretary. But before entering upon his duties, he shall execute a bond to the company, with security approved by the board of directors, conditioned that he will faithfully perform all the duties of treasurer, and pay over as directed by the board of directors any money in his hands belonging to the company, and will make full settlement of his accounts when required by said board, and on going out of office will deliver to his successor all books, papers, property, money, or other thing in his hands belonging to said company. This bond shall be recorded upon the books of the company, and preserved by the secretary.

§ 9. That said company shall have the right to establish a toll-gate at any point upon said road, and charge and collect tolls as authorized by the General Statutes.

§ 10. That said board of directors shall have power to make all by-laws, rules and regulations, for the government of themselves and the officers and affairs of said company, not inconsistent with public law.

§ 11. That at any general election the stockholders may change the time of holding the regular election for directors.

§ 12. That said directors and the stockholders of said company may let out all or any part of said road, that is, the construction thereof, either by private contract or by advertisement for sealed bids, and they may make special agreements for the stock to be paid in work, or part in work and part in money, and when the work shall be done.

§ 13. This act shall take effect and be in force from and after its passage.

Approved January 22, 1884

CHAPTER 37.

AN ACT to amend an act, entitled "An act for the benefit of Warren county," approved December twentieth, one thousand eight hundred and seventy-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three of an act, entitled "An act for the benefit of Warren county," approved December twentieth, one thousand eight hundred and seventy-three, be, and the same is hereby, repealed, and in lieu thereof the following is enacted as section three of said act, to-wit: For the purpose of creating a fund, to be denominated the "Miscellaneous Fund," for the payment of the ordinary expenses of the county, the county court of Warren county may levy a tax not exceeding three dollars on each male over twenty-one years of age; and, for the purpose aforesaid, may also levy and collect a tax not exceeding ten cents on the one hundred dollars on all property in said county of Warren listed for taxation for State revenue. The fund thus arising shall be drawn on from time to time in the hands of the sheriff. The levy authorized by this act may be made by the said county court for the year one thousand eight hundred and eighty-four, and for such number of years thereafter as the county court may deem proper for the purposes aforesaid; but nothing in this act shall be so construed as to affect in anywise the levies heretofore made by said county court under and by virtue of said act, approved December twentieth, one thousand eight hundred and seventy-three.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 22, 1884.

CHAPTER 39.

AN ACT to authorize John E. Cosson, late judge of the Pulaski county court, to sign certain orders and proceedings in said court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John E. Cosson, late judge of the Pulaski county court, is empowered and authorized to sign the records

of the proceedings or orders in said court which remained unsigned by him at the time of the expiration of his term of office, and said orders and proceedings shall be held and considered valid and effectual as if said record and orders had been signed when said Cosson held said office of county judge.

§ 2. This act shall take effect from its passage.

Approved January 22, 1884.

CHAPTER 40.

AN ACT to incorporate the Louisville Female College; of Louisville:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas D. Davidson, Thos. W. Bullitt, R. C. Armstrong, alone or jointly, with not more than ten other persons by them appointed, if they shall so elect, and their successors, be, and they are hereby, created a body-politic and corporate, under the name and title of "The Louisville Female College," of Louisville, Kentucky; and by such corporate name may sue and be sued, contract and be contracted with; may have a common seal, and alter the same at pleasure; may have perpetual succession, and make all by-laws necessary for the transaction of the business and for the government of the school, not inconsistent with the laws of this State or of the United States.

§ 2. Said corporation may have a capital stock of such amount as may be prescribed by the board of trustees; and, from time to time, the same may be increased to any amount not exceeding the sum of fifty thousand (\$50,000) dollars; but the said corporation may transact business without a subscription of said capital stock.

§ 3. The object of this corporation shall be the establishment of an institution of learning to promote the interests of education and to afford instruction in the arts, sciences, and polite literature to all that may desire to avail themselves of the facilities offered by said institution, under such regulations as its board of trustees may prescribe, and with such professors and teachers as the board may provide.

§ 4. Said corporation may receive, acquire, and hold by gift, purchase, lease, loan, devise, or otherwise, money, books, pamphlets, periodicals, papers, and minerals, or other personal property; also such real estate, in fee or for a term of years, as may be necessary or suitable for the establishment and conduct of said institution of learning, together with such library and museum as may be established in connection therewith; but said corporation shall not acquire more than one acre of real estate within the city of Louisville.

§ 5. The corporation may, for the purchase or improvement of real estate, or for its other purposes, from time to time borrow money; and, as a security therefor, may issue its interest-bearing bonds or promissory notes, to be secured by one or more mortgages upon its real estate or other property, and upon its franchises; but such mortgage debt shall not, at any one time, exceed twenty thousand dollars (\$20,000).

§ 6. This corporation shall have the power to confer such honorary degrees and diplomas as are usually conferred by incorporated literary institutions.

§ 7. The persons herein named, and to be named as incorporators, shall constitute the board of trustees of said corporation, and as such shall exercise all its rights, powers, and privileges. In case of the death, resignation, refusal to act, or removal from the State of Kentucky, of any of said persons, the vacancy so created may be filled by the remaining members of the board.

§ 8. This act shall be in force from its passage.

Approved January 22, 1884.

CHAPTER 41.

AN ACT to authorize the county court of Daviess county to allow to a sheriff or collector of county levy and *ad valorem* taxes levied in and for said county, for the year one thousand eight hundred and eighty-three, a commission not exceeding ten per cent. on the amount collected instead of the commission now allowed by law.

WHEREAS, The office of sheriff in the county of Daviess has been vacant since the twenty-ninth day of September,

one thousand eight hundred and eighty-three, and the taxes levied in and for said county for said year have not been collected; and whereas, the county court has been and is unable to find any person who will execute bond and collect said taxes for the compensation now allowed by law; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Daviess county be, and it is hereby, authorized and empowered to allow to any sheriff or collector who may qualify therefor a commission, not exceeding ten per cent., for collecting the county levy and *ad valorem* taxes levied in and for said county, for the year one thousand eight hundred and eighty-three, instead of the compensation now allowed by law.

§ 2. That all acts or parts of acts in conflict with this act are hereby repealed.

§ 3. That this act shall be in force from and after its passage.

Approved January 22, 1884.

CHAPTER 42.

AN ACT to amend the charter of the town of Spring Lick, in Grayson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Spring Lick, in Grayson county, be, and the same is hereby, so amended as to allow a majority of the trustees at any regular or called meeting to appoint officers to fill any vacancy or vacancies that now exists or may hereafter occur.

§ 2. The said officers when so appointed shall be required to take the oath of office and give bond, the same as the present charter now requires, and have the same compensation for their services as allowed by said charter, and hold their office until their successors are elected and qualified.

§ 3. This act shall take effect from and after its passage.

Approved January 22, 1884.

CHAPTER 43.

AN ACT to repeal an act, entitled "An act to establish a road district in the county of Christian, and to provide for improving and maintaining public roads therein," approved March twenty ninth, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to establish a road district in the county of Christian, and to provide for improving and maintaining public roads therein," approved March twenty-ninth, one thousand eight hundred and eighty-two, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from its passage.

Approved January 23, 1884.

CHAPTER 44.

AN ACT to authorize the Bourbon county court to purchase furniture and file-boxes to better preserve the county and circuit court records of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Bourbon county court be, and it is hereby, authorized and empowered to purchase all furniture and file-boxes, or other conveniences, necessary to effectually and efficiently preserve and protect all the records of the county and circuit courts of said county, and the cost of the same shall be paid out of the county levy of said county for this or any succeeding year.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 23, 1884.

CHAPTER 45.

AN ACT to repeal an act, entitled "An act to empower the county court of Harrison county to subscribe stock to turnpike road companies," approved March twenty-third, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to empower the county court of Harrison county to subscribe stock to turnpike road companies," approved March twenty-third, one thousand eight hundred and eighty-two, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved January 23, 1884.

CHAPTER 46.

AN ACT to amend and revise an act, entitled "An act to incorporate the Beatty's Mill and Todd's Point Turnpike Road Company."

WHEREAS, By virtue of the provisions of an act of this General Assembly, approved March the twelfth, one thousand eight hundred and seventy, and entitled "An act to incorporate the Beatty's Mill and Todd's Point Turnpike Road Company," a company was organized as in said act provided; and whereas, said company built only a part of the road therein contemplated and defined, and said company, for a number of years after building a part of said road, failed to meet or keep up their organization; and whereas, said road has, by recent additional subscriptions, been nearly, if not quite, completed; and the stockholders of said company desire to reorganize said company; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said act is hereby revived, and rendered effectual for all purposes, as if said organization had been continuously kept up; and all subscriptions that may have been made to the capital stock of said company, or that may be hereafter made, are hereby declared legal and valid.

§ 2. That Joseph Cooper, R. W. Cooper, and Joseph Collins, or any two of them, are hereby authorized to act as commissioners to call a meeting of the stockholders of said company, to meet at some convenient point on the line of said road, for the purpose of electing a board of directors, as provided in the act to which this is an amendment. Said meeting shall be held on the first Saturday in June, one thousand eight hundred and eighty-four, and notice thereof shall be given by a written or printed notice, posted up at Todd's Point for ten days prior to the day of said meeting.

§ 3. This act shall be in force from its passage.

Approved January 24, 1884.

CHAPTER 47.

AN ACT to amend an act, entitled "An act authorizing the county court of Harrison county to subscribe stock in turnpike roads, and to provide for the payment of such subscriptions," approved April first, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sections eight (8) and nine (9) of an act, entitled "An act authorizing the county court of Harrison county to subscribe stock in turnpike roads, and provide for the payment of such subscriptions," approved April first, one thousand eight hundred and eighty-two, be, and the same are hereby, repealed, and in lieu thereof the following is enacted :

§ 1. That the county court, instead of levying a tax to pay said subscriptions, as provided in section seven (7) of said act, may, if it sees proper so to do, issue the bonds of the county, with coupons attached, signed by the county judge and county clerk, in denominations of not less than one hundred dollars, payable to bearer, due twenty years after date, redeemable at any time after ten years, and bearing interest at a rate not exceeding six per cent. per annum, payable annually, on the first day of January of each year thereafter. If the said bonds are issued, the proceeds arising from the sale thereof shall be used for paying subscriptions as provided herein, and for no other purpose.

§ 2. If the county court shall deem it best, instead of levying a tax, or issuing bonds as aforesaid, it may, from time to time, borrow such sums as may be needed for the purposes of paying its subscriptions to turnpike stock which may have been or which may hereafter be made, paying therefor interest at a rate not exceeding six per cent. per annum.

§ 3. If bonds are issued, or money borrowed as authorized herein, said county court shall cause an annual levy to be made, not to exceed fifty cents on the one hundred dollars in value in any one year, on all the property in the county subject to taxation for county revenue, to be applied to the payment of the indebtedness of the county incurred under the provisions of this act and the act to which this is an amendment.

§ 4. This act shall take effect from and after its passage.

Approved January 24, 1884.

CHAPTER 48.

AN ACT to amend an act, entitled "An act authorizing the county of Daviess to refund the bonds issued by it to pay its subscription to the capital stock of the Owensboro and Russellville Railroad Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the title to an act, entitled "An act authorizing the county of Daviess to refund the bonds issued by it to pay its subscription to the capital stock of the Owensboro and Russellville Railroad Company," approved April the fourteenth, one thousand eight hundred and eighty-two, be, and the same is hereby, amended by inserting after the word "refund," in the first line of the title to said act, the words "and redeem."

§ 2. That section two of said act be, and the same is, amended by striking out of the first line thereof the word "five," and inserting in lieu thereof the word "six," and inserting in the second line thereof, after the words "per annum," the words "payable semi-annually."

§ 3. All acts or parts of acts in conflict with this act are hereby repealed.

§ 4. This act shall be in force from and after its passage.

Approved January 25, 1884.

CHAPTER 49.

AN ACT to amend an act to authorize the Carroll county court to take stock in turnpike roads in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of said act be amended so as to read "on the first Saturday in May, one thousand eight hundred and eighty-four," in lieu of "the fifth day of June, one thousand eight hundred and eighty-two," and the word "Trimble" be stricken out and "Carroll" inserted in place thereof in said section.

§ 2. That section five of said act shall have added to it the following: "The citizens of said county shall not be charged or required to pay but one-half the regular tolls charged and allowed by law; and all tolls collected of citizens of Carroll county shall go to the company, to be used in keeping said roads in repair so far as the same may be necessary."

§ 3. This act shall take effect and be in force from its passage.

Approved January 23, 1884.

CHAPTER 50.

AN ACT for the benefit of the town of Wallonia in Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Wallonia, in Trigg county, Kentucky, in addition to the powers they now have, that they shall have the same powers and privileges under the same act that the trustees of the town of Lamasco, in Lyon county, Kentucky, now have.

§ 2. That the police court of Wallonia, in Trigg county, Kentucky, have, in addition to the powers it now has, that it

shall have the same power and jurisdiction in Trigg county of the police court of Lamasco, in Lyon county, Kentucky, now has.

§ 3. That the marshal of Wallonia, in Trigg county, have the same power and authority in Trigg county that the marshal of Lamasco, in Lyon county, Kentucky, now has.

§ 4. This act to take effect from and after its passage.

Approved January 25, 1884.

CHAPTER 51.

AN ACT to revise and reduce into one the charter and various amendments thereto of the town of Elizaville, in Fleming county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

§ 1. That all acts and parts of acts incorporating the town of Elizaville, in Fleming county, and all acts and parts of acts amendatory thereto, be, and the same are hereby, repealed.

§ 2. That the boundaries of the town of Elizaville, in Fleming county, shall be as follows, to-wit: Beginning in the center of the Helena Turnpike on Samuel Howe's northern line; thence with his line and the line of J. S. Kendall, about west, to a point that makes a right-angle with the western line of David D. Allen to the center of the Pleasant Valley Road; thence in a southern direction, in a line that will form a right-angle with the Upper Blue Licks Road, at the southern line of H. C. Berry; thence in an eastern direction from the said Blue Licks Road to a line at right-angles with the eastern line of Jno. M. Howe's garden, to the center of the Flemingsburg Road; thence, in a line running in a northern direction, to a line running at right angles and intersecting a line running east from the beginning; and the same is hereby declared to be the extent and limits of the town of Elizaville; that the inhabitants of such boundaries be, and they are hereby, created a body-politic, with perpetual succession, with power to sue and be sued, to contract and

be contracted with, plead and be impleaded, defend and be defended, by the name of the town of Elizaville, and to have a corporate seal.

ARTICLE II.

Officers and Elections.

§ 1. That the municipal government of said town shall consist of the board of trustees of Elizaville, composed of five male citizens, who shall have been residents at least six months prior to the election, one of whom shall, at the first regular meeting of said board of trustees, be by them selected to preside over their meetings, and he shall be styled chairman of the board of trustees of Elizaville.

§ 2. That the said board of trustees, and their successors, shall be a body-politic and corporate, and shall be known and called by the name and style of the board of trustees of Elizaville; and by that name shall be capable in law, and for and in behalf of said town, of contracting and being contracted with, of suing and being sued, of defending and being defended, of pleading and being impleaded, in all courts and places; of taking, holding, purchasing, leasing, and conveying such real, personal, and mixed estate as the purposes of the town may require, within or without the limits aforesaid; they may or may not have a corporate seal.

§ 3. That all the legislative power and authority of said town, together with the fiscal, prudential, and municipal concerns thereof, and the government and control of same, shall be vested in said board of trustees.

§ 4. That the other officers of said town shall be as follows: a secretary, a treasurer, a police judge, a marshal, and assessor, and such other officers as the board may direct and appoint from time to time.

§ 5. That an election shall be held in said town, annually, on the last Saturday in December (except for police judge and marshal), at such place as the board of trustees may direct, and of which five days' previous public notice shall be given in written or printed notices, posted in three public places in said town by the secretary.

§ 6. That at the said election there shall be elected by the qualified voters of said town five trustees, one police judge, and one marshal; and the person or persons having the highest number of votes cast at said election for either of said offices shall be declared elected.

§ 7. That the officers elected by the people under this act shall respectively hold their offices for one year (except the police judge, who shall hold his office for four years, and the marshal, who shall hold his office for two years), and until the election and qualification of their successors respectively. All other officers mentioned in this act, and not otherwise specially provided for, may be appointed by the board of trustees at their first regular meeting after the annual election, or as soon thereafter as may be, and continue in office for one year, and until the appointment and qualification of their successors; but the board of trustees may appoint as many assistant marshals as they may deem necessary to conserve the peace in case of riots and other public occasions, to continue in office during the pleasure of the board of trustees. Officers elected or appointed to fill vacancies shall respectively hold for the unexpired term only, and until the election or appointment and qualification of their successors. If there should be a failure by the people to elect any officers herein required to be elected, the board of trustees may appoint such officers, or forthwith order a new election.

§ 8. That whenever any vacancy shall happen by the death, removal, resignation, or otherwise, of any officer elected by the people or appointed by the board of trustees, the said board of trustees may fill by appointment.

§ 9. That all free male citizens of the Commonwealth of Kentucky, who are entitled to vote for town officers elective by the people under this act, shall be qualified to hold any office created by this act, except as is hereinafter in this act provided; but no person shall be eligible to hold any office created by this act, or any other act in relation to said town, or who, being a collector or keeper of the funds of the corporation, has not settled with the board of trustees of said town and obtained a quietus; and any person shall be con-

sidered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for ten days after demand made, to account for and pay over to the person or party authorized to receive the same, any public money which may have come into his hands; nor shall any person be eligible to hold the office of trustee of said town who is not, at the time of his election, a citizen, and has resided in said town for at least six months next preceding his election.

§ 10. That when two or more candidates for any elective office shall have an equal number of votes for the same office, the election shall be determined by lot in such manner as the board of trustees may direct, and in the presence of the board of trustees, and at least three other persons.

§ 11. That the board of trustees shall, before every town election, appoint suitable persons as officers of election—one judge, one sheriff, and one clerk; but no person shall be eligible to either of the aforesaid offices who is a candidate for any office in said town. Officers of town elections shall perform similar services as officers at State elections, and be entitled to such pay as the board of trustees may deem just; and the said officers shall be governed in all matters not inconsistent with this act, and liable to the penalties imposed by the laws of this Commonwealth; and on determining the question of any person's right to vote, each officer shall have one vote.

§ 12. That all elections by qualified voters of the town shall be held between the hours of nine o'clock in the morning and three o'clock in the evening.

§ 13. That every free male citizen of the United States over twenty-one years of age, who is a citizen of this Commonwealth, and who has resided in this town six months next preceding the election, shall be qualified to vote for any town officer elective by the people.

§ 14. That all laws in force in this Commonwealth punishing illegal voting at the State elections, shall apply to illegal voting in the town of Elizaville for any officer, subject, however, to all provisions of this act touching the qualifications of voters.

§ 15. That the board of trustees shall judge of the qualifications, elections, and returns of its members; and cases

of contested elections for any town officer elective by the people shall be heard and determined by the board of trustees under such rules as may be prescribed by the by-laws or ordinances.

§ 16. That the outgoing town secretary shall, immediately after the election, certify to the Secretary of State the name of the person elected for police judge of said town, and the Governor of this Commonwealth shall issue a commission to said officer.

§ 17. That the poll-books of all elections in the town shall be filed by the secretary as a part of the records of his office; he shall examine and compare the same, and issue certificates to the officers elected.

§ 18. The present board of trustees shall be the acting board of trustees of Elizaville, until the regular election on the last Saturday in December, and until their successors shall be elected and qualified; and the said trustees shall hold the election as provided in section eleven of this act, and the acting secretary shall certify to the Secretary of State the name of the person elected to the office of police judge of said town.

ARTICLE III.

Powers and Duties of Officers.

§ 1. That every person elected or appointed to an executive, judicial, or administrative office under this act, shall, before he enters upon the duties of his office, take and subscribe before a person authorized to administer the same the oath of office prescribed by the Constitution of this State, and file the same, duly certified by the officer before whom it was taken, with the clerk of the town.

§ 2. That the chairman of the board of trustees shall preside over the meetings of said board, and in all cases of a tie give the casting vote, and in his absence the board of trustees may appoint one of their number chairman *pro tempore*.

§ 3. That the secretary shall keep the corporate seal, if there be one, and make and keep a record of the proceedings of the board of trustees, at whose meetings it shall be his duty to attend; and copies of all papers duly filed in his

office, and transcripts from the records of the proceedings of the board of trustees, certified by him, shall be evidence in all courts; he shall likewise draw all warrants on the treasurer, and countersign the same, and keep an accurate account thereof in a book to be provided for that purpose. He shall receive all moneys due the town, and pay the same to the treasurer, taking his receipts therefor.

§ 4. That the treasurer shall receive all moneys belonging to the town from the secretary, and keep an accurate account of receipts and expenditures in such manner as the board of trustees may direct. All moneys shall be drawn from the treasury by warrant from the chairman of the board of trustees, and countersigned by the secretary; such warrant shall specify for what purpose the amount specified therein shall be paid. The treasurer shall exhibit to the board of trustees, on the first day of January each year, and oftener if required, a full and detailed account of all receipts and expenditures since the last annual report, and also the state of the treasury, which account shall be filed in the office of the secretary.

§ 5. That it shall be the duty of the marshal to attend all the sessions of the police court, and to attend to the procuring of evidence in cases in which the town of Elizaville is a party, within the limits of the town, in all matters of a criminal nature arising under the by-laws or ordinances of said town or the laws of the Commonwealth. He shall possess the same powers as sheriffs and constables. He shall execute all process, civil or criminal, issued and to him directed by the chairman of the board of trustees, the police judge, the presiding judge of the Fleming county court, or any justice of the peace. He shall not be required to transact any business incident to his office, make any arrest, serve any process or summons outside of a limit of one half mile from the corporation boundary of said town: *Provided*, He shall be required to pursue and arrest any person committing any offenses against the laws of the town or of the Commonwealth as is now required by law of sheriffs and constables; and he shall be entitled to the same fees as sheriffs and constables are allowed for similar services, to

be collectable in the same manner as constables' and sheriffs' fee-bills are ; for other services he shall be entitled to such fees and compensation as the board of trustees may designate by by-laws or ordinances. He shall be liable in the same way and manner and to the same extent, to be prosecuted in the same manner, as sheriffs and constables are. He shall perform such other duties, not inconsistent with this act, and make such returns and reports of his acts as may be prescribed by by-laws or ordinances, and as hereinafter prescribed. He shall collect the taxes levied by the board of trustees; and if he should fail or refuse to collect said taxes, the board of trustees may appoint a special tax collector, who shall have all the powers to do so of the marshal, first giving such a bond as the board of trustees may require.

§ 6. That the assessor shall perform all the duties which the board of trustees may, by by-law or ordinance, prescribe in relation to the assessing of property for the purpose of levying of taxes imposed by the board of trustees.

§ 7. That the police judge shall file such a bond before the presiding judge of the Fleming county court as is required of justices of the peace within ten days after his election, and the treasurer, marshal, and collector shall file such bond before the board of trustees as may by them be required, conditioned that they will faithfully execute the duties of their offices, and pay over to such persons, and at such times and places as they may be respectively entitled to the same, all money or other property that may come into their hands.

§ 8. That if any person having been an officer in said town shall not, within ten days after notification, deliver to his successor in office all the property, papers, and effects of every description in his possession belonging to said town, or appertaining to the office he held, he shall forfeit and pay, for the use of the town, one hundred dollars, besides all costs and damages caused by his neglect or refusal so to deliver.

ARTICLE IV.

Police Courts.

§ 1. That there shall be established in said town a court, to be styled the Elizaville Police Court, which shall be held by one judge, to be styled the Judge of the Elizaville Police Court, who shall be elected as is herebefore provided.

§ 2. That the Elizaville police court shall have exclusive original jurisdiction of all prosecutions for violations of the by-laws or ordinances of said town, without intervention of a jury, and concurrent jurisdiction with magistrates of all pleas of the Commonwealth arising within the limits of said town. Said court shall have power and authority to take recognizances from persons charged with said offenses cognizable before said court, to appear and answer for the same that the circuit courts have ; like power to take the same as forfeited, and pronounce judgment thereon, and to enforce full compliance with the same ; and shall have the power of two justices of the peace as an examining court.

§ 3. That the judge of said court shall be a conservator of the public peace, and may order arrest for all offenses against the laws of the Commonwealth, or by-laws and ordinances of the town, and for those committed within his presence may order arrest without a warrant, the person to be dealt with according to the laws of the Commonwealth, or the by-laws [and] ordinances of the town. If he think it necessary, he may detain any person or persons so offending in custody or in the county jail or other safe place.

§ 4. The judge shall secure some suitable place for holding his court in said town, and shall have power to fix the time for holding court for the trial for criminal or penal cases, as in his discretion the business before him may seem to require.

§ 5. That the police court shall be a court of record, and the judge thereof shall act as clerk ; and certified copies of the record of said court, over the signature of the judge, shall be evidence in any court in this Commonwealth.

§ 6. That all proceedings in and process from the police court shall be in the name of the Commonwealth of Ken-

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tucky. The process shall be made returnable to the police court, and may be directed to the town marshal; but the judge may direct the process to any constable, sheriff, jailer, or coroner; and the person executing the process of said court shall be entitled to the fees for the like services, and to the like remedy for the collection thereof, as the constable and sheriffs of this Commonwealth, and shall be subject to the like fines and penalties for the like offenses and failures, recoverable in the same manner.

§ 7. That the fines and forfeitures recovered in the police court in favor of the Commonwealth of Kentucky, and those in favor of the town of Elizaville or the board of trustees of Elizaville, are hereby granted to the trustees of said town.

§ 8. That all fines and forfeitures recovered in the police court are to be collected by the marshal or other officer to whom execution or *capias pro fine* is directed, and to be paid by him to the town secretary; but before the issual of the execution or other final process, the defendant may pay the fine or forfeiture to the judge of the police court, who shall pay the same to the town secretary.

§ 9. That the defendant shall have the right at any time to replevy for three months any judgment, fine, or forfeiture of the police court, or execution or other final process thereon, by giving bond with good security, in the same manner as allowed by law in similar cases in favor of the Commonwealth.

§ 10. That a return of "not found" on a *capias pro fine*, and of "no property" on a writ of *fieri facias*, issued on any judgment in the police court, shall authorize an attachment out of equity in favor of the board of trustees of Elizaville against the defendant or defendants, in the same manner that a return of no property found authorizes an attachment in equity on judgments rendered in the circuit and justices' courts.

§ 11. That upon all judgments for fines rendered by the police court, whether in favor of the Commonwealth of Kentucky or of the town of Elizaville, or of the board of trustees of Elizaville, and which shall not be paid at the

time of rendering the same, an execution against the estate of the defendant may be issued, or a *capias pro fine* may be issued, requiring the imprisonment of the defendant in the county jail until the same shall be paid; but the imprisonment shall not exceed one day for every two dollars of such fine.

§ 12. That in all cases in said police court where, by the laws of this Commonwealth, this act, or the by-laws or ordinances of said town, the punishment is in whole or in part imprisonment, the police court shall have the power to imprison the person convicted of a violation of said laws, this act, or said by-laws or ordinances, in the Fleming county jail, for any time not exceeding fifty days specified by said laws, this act, by-laws, or ordinances.

§ 13. That appeals shall lie from the decisions and judgment of the police court to the Fleming quarterly court, in all cases where the fine exceeds ten dollars, and is less than fifty dollars, exclusive of cost, and to the Fleming circuit court, where the fine is fifty dollars or upwards, exclusive of cost; and when the punishment is by imprisonment for any time, the appeal shall lie to either the said quarterly or circuit courts. In all cases of appeal, in either criminal or penal cases, the execution of the judgment shall not be suspended unless the defendant, within five days after the rendition of the judgment, causes to be executed with the judge or clerk of the court to which the appeal is taken, a covenant with good surety, in all respects as required by section three hundred and forty-nine of the Criminal Code of Practice.

§ 14. That the police court shall always be open for hearing and determining such penal and criminal cases as are within the jurisdiction of said court; and may make such reasonable rules and regulations for the speedy hearing and determining of all such cases as to afford reasonable notice to the parties, and a prompt administration of justice.

§ 15. That all fines and forfeitures arising under this charter for breaches of the by-laws and ordinances of said town, shall be sued for by warrant in the name of the board of trustees of Elizaville, or the Commonwealth of Kentucky, and shall be for the use of said town.

§ 16. That the police court shall have original and concurrent jurisdiction with the justices of the peace in all civil cases and proceedings; and the time for holding said court for the transaction of civil business shall be on the last Saturday in March, June, September, and December.

§ 17. That the provisions of the Criminal Code of Practice shall regulate the proceedings of said court in criminal and penal cases, and the provisions of the Civil Code of Practice shall regulate the proceedings in civil cases.

§ 18. That the fees of said judge, whether acting as judge or clerk, or otherwise, shall be the same in all cases as are now or may hereafter be given by law to officers performing like services; and fees and cost shall be taxed in cases in said court to the same extent, in the same way, and under the same regulations as in courts having similar jurisdiction.

§ 19. The police judge and marshal shall be elected at the regular annual election for trustees; but the term of office of the police judge shall be four years, and the term of office of marshal shall be two years; and the present police judge and marshal shall continue in office until the first election under this act, at which time the first police judge and marshal shall be elected under this act.

ARTICLE V.

§ 1. That it shall be unlawful for any person or persons to sell or vend any spirituous, vinous, or malt liquors, or a mixture of either, or any intoxicating drink whatever, in the town of Elizaville, or within one and one half miles of the corporate boundary thereof, without obtaining a license from the board of trustees of the town of Elizaville, which the said board of trustees is hereby authorized and empowered to grant; but it shall not be obligatory on the part of the board of trustees to grant license to any person or persons under any circumstances whatever.

§ 2. That any person or persons wishing to sell the aforesaid liquors named in section one of this article, shall make application to the board of trustees at a regular meeting, which application shall be in writing, signed by the applicant or applicants, and accompanied with the fee for the same.

§ 3. That no license shall be granted for a period more nor less than one year, and the said license shall not be transferable under any circumstances, and no money shall be refunded for any unexpired time a license may have to run.

§ 4. That the fees for the license aforesaid shall not be less than two hundred nor more than five hundred dollars for the sale of the aforesaid liquors, whether it be as a hotel, bar, or a merchant, whether the sale be by the drink, quart, or gallon.

§ 5. That as soon as possible after the granting of any license by the board of trustees, the secretary of the board of trustees shall notify the presiding judge of the Fleming county court that such license has been granted, and upon the receipt of such notice the county judge shall grant the license now required by law, and nothing in this act shall be construed depriving the county judge of his prerogative in the case, and the applicant shall pay the same fees to the county court as now required by law.

§ 6. That the secretary of the board of trustees shall, before the license is issued, take a bond, with such sureties as the board of trustees may require, for the maintenance of good order and for any damages that may occur by reason of a failure to do so.

§ 7. That for any violation of this act, or any of its provisions, the person or persons so offending shall be fined, upon conviction in the police court of said town, not less than twenty-five nor more than fifty dollars for the first offense, and for a second offense, besides the fine aforesaid, the license of the person so offending shall be forfeited, and the marshal, sheriff, or constable shall close the house wherein the liquors are deposited and sold.

§ 8. That nothing in this act shall be construed authorizing the board of trustees to grant any license to other than a hotel keeper or merchant regularly engaged in business. No saloon shall be licensed under any circumstances.

ARTICLE VI.

General Powers and Duties of the Board of Trustees.

§ 1. That the board of trustees shall hold stated monthly meetings, and the chairman, or any two members, may call

meetings, by notice to each of the members of the board of trustees, either oral or written, which, if written, such notice must be served personally or left at their usual place of abode. A majority of the persons elected as trustees shall constitute a quorum. The chairman shall preside at all meetings, and, in his absence, the board of trustees may elect a chairman *pro tempore*.

§ 2. That the board of trustees shall have the management and control of the finances of the corporation; shall have power to contract and be contracted with, for and on behalf of said town, and shall have power to provide for the erection and repairs of all needful public buildings for the town; to provide a water-supply in any manner they may deem best, and shall likewise have power within the jurisdiction of said town, by by-law or ordinance—

First. To prohibit all games of chance, or fraudulent device of any kind whatever, where anything of value is bet, won, or lost.

Second. To license, tax, regulate, suppress, and prohibit shooting galleries, peddlers, itinerant venders of medicines, shows of every kind, lectures by itinerant and other persons or companies, circuses, theatrical performances, and all other exhibitions (except by citizens of the town and county).

Third. To authorize the chairman of the board of trustees, or secretary of the same, to grant and issue licenses, and regulate the fees for the same. No license shall be granted for more than one year, and not less than one dollar shall be required to be paid for any license under this act, and the fee for issuing the same shall not exceed fifty cents.

Fourth. To prevent and suppress any riot, rout, breach of the peace, noise, disturbance, or disorderly assemblage.

Fifth. To regulate the keeping and conveying gunpowder and other combustible and dangerous materials; to prevent horse-racing, immoderate riding or driving in the town; to punish and prohibit the abuse of animals; to compel persons to secure or fasten their horses, mules, oxen, or other animals attached to vehicles or otherwise while standing or remaining in the street; to prevent the encumbering or obstructing the streets or sidewalks with any substance or material what-

ever; to prevent any profane language, obscene, indecent, or profane exhibition or conduct; to restrain and punish vagrants and prostitutes; to restrain and regulate or prevent the running at large of horses and swine, and to authorize the distraining, impounding, and sale of same for the penalty incurred and the cost of the proceedings; also to impose penalties on the owners of such animals for a violation of any by-law or ordinance in relation thereto; to prevent and regulate the running at large of dogs, and to authorize the destruction of same when at large contrary to the by-laws and ordinances; to prevent and regulate the playing of ball and marbles, flying kites, or any other amusement or practice having a tendency to annoy persons passing on the streets or sidewalks, or to frighten teams or horses.

Sixth. To make regulations to prevent the introduction or spread of contagious diseases in the town; to abate and remove nuisances, and punish the authors thereof by penalties of fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize the summary abatement thereof; to establish public pounds; to construct sidewalks, open or close, widen, straighten, lengthen or vacate any alley; to make cross-walks, and keep same in repair; to do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease.

Seventh. To prohibit any work or business being done or performed on the Sabbath day, and to punish any person found at or engaged in any work or business on that day, except it be the ordinary household offices of daily necessity, or other work of necessity or charity: *Provided*, That persons who are members of any religious society, who observe as a Sabbath any other day in the week than Sunday or the Christian Sabbath, shall not be punished if they observe as a Sabbath one day in each week.

Eighth. That the board of trustees shall have power to make, publish, ordain, amend, and repeal all such ordinances, by-laws, and police regulations, not contrary to the constitution of this Commonwealth, for the good government and order of the town, and the trade and commerce

thereof, as may be necessary or expedient to carry into effect the powers vested in the board of trustees or any officer of said town by this act, and enforce observance of all rules, ordinances, by-laws, and police and other regulations made in pursuance of this act, by penalties not exceeding one hundred dollars for any offense against the same.

Ninth. The board of trustees may enforce such rules, ordinances, by-laws, and police, and other regulations as aforesaid by punishment of fine and imprisonment, or both, in the county jail, in the discretion of the court before which conviction may be had: *Provided*, Such fines shall not exceed one hundred dollars, exclusive of costs, nor the imprisonment exceed fifty days.

Tenth. That the board of trustees of Elizaville shall have exclusive power to grant all licenses for which provision is made by this act; and the amount to be paid for any license for which provision is made by this act shall be fixed by the said board of trustees.

Eleventh. That the board of trustees of Elizaville shall have power, subject to the exceptions hereinafter mentioned, to annually levy and collect taxes not exceeding fifty cents on each one hundred dollars' worth of real estate in said town, including the improvements on such real estate, and upon all personal estate and money, and evidences of money in said town, and a head or poll-tax upon every male inhabitant of said town over twenty-one years of age of not exceeding one dollar. There shall be exempt from taxation under this act, or for the purposes of said town, all public property belonging to said town, the county of Fleming, the State of Kentucky, the United States, any church, college, or public school or cemetery.

ARTICLE VII.

Collection of Taxes and Assessments.

§ 1. That the board of trustees shall have power by ordinance to prescribe the form of assessment-rolls, and prescribe the duties and define the powers of assessors, and to make such rules, and give such directions in relation to at-

tending, revising, or adding to the rolls as they may deem proper and expedient.

§ 2. That the annual assessment rolls shall be returned by the assessor on or before the first day of March in each year; but the time may be extended by order of the board of trustees. On the return thereof, the board of trustees shall fix a time for hearing objections thereto, and the secretary shall give notice of the time and place of such hearing; and any person feeling aggrieved by the assessment of his or her property, may appear at the time specified and make his or her objections. The board of trustees shall have power to supply omissions in said assessment rolls; and, for the purpose of equalizing the same, to add to, take from, to alter or otherwise correct and revise the same.

§ 3. That when the assessment roll shall have been corrected and revised, the same shall be filed and an order confirming the same shall be entered by the secretary. The board of trustees shall thereupon, by an ordinance or resolution, levy such sum or sums of money as they may deem proper, not exceeding the amounts authorized by this act, and by warrant direct the collection of the same.

§ 4. That all taxes and assessments, general or special, levied or assessed by the board of trustees under this act, shall be a lien upon the real and personal estate upon which the same may be imposed, voted, or assessed, until such tax shall be paid; and no sale thereof shall affect the lien thereon; and no property shall be exempt from sale for the payment of such taxes or assessments, except such as is by this act exempted from taxation. Any personal property belonging to the debtor may be taken for the payment of taxes, and sold by the collecting officer after ten days' public notice of such sale, posted up at three public places in said town.

§ 5. That as soon as possible after the assessment roll shall have been revised and filed, the secretary shall make a copy of the same, which shall be signed by the chairman and secretary and placed in the hands of the proper officer for collection; and the said officer shall collect the same and pay over to the secretary in thirty days after receiving the

assessment roll, unless further time be granted by the board of trustees. If not otherwise paid by the time specified, the board of trustees of Elizaville shall have power to collect said taxes and cost by suit in the name of the board of trustees of Elizaville, or by distress and sale of personal property as aforesaid, after a demand and refusal to pay the same. The assessor's roll shall, in all cases, be evidence on the part of the board of trustees of Elizaville; and notice published by the collecting officer, by sticking up written or printed notices at three public places in said town for ten days, shall be deemed a demand, and a neglect to pay for twenty days thereafter shall be deemed a refusal to pay such taxes or assessments.

§ 6. That in case of non-payment of any taxes or assessments levied or assessed under this act upon real estate, so much of the premises as may be sufficient to pay the same may be sold to the highest bidder, at public auction, for cash in hand, at any time within two years after the confirmation of the assessment by the board of trustees. Before any such sale, an order shall be made by the board of trustees, which shall be entered at large in the records kept by the secretary, directing the office to sell, particularly describing the delinquent premises to be sold, and the tax or assessment for which the sale is to be made, a certified copy of which order, signed by the chairman and secretary of the board of trustees, shall be delivered to the collecting officer, which shall constitute the process upon which such sale shall be made.

§ 7. That the collector shall then advertise such premises for sale, by posting written or printed notices at three public places in said town for ten days, describing the said premises and giving the name of the owner, when known, and the several amounts of taxes or assessments thereon, and the time and place of sale. The officer shall be allowed such fees for selling as the board of trustees may prescribe. The secretary shall keep a record of such sales, which shall be open to the public inspection at all reasonable times.

§ 8. That the right of redemption, in all cases of sales of real estate for taxes or assessments, shall exist to the

owner or his heirs for the period of three years from the day of sale, on payment of twenty per cent. on the amount for which it was sold, and all taxes or assessments accruing subsequent to the sale. If the real estate of any infant, or *feme covert*, or lunatic be sold under this act as aforesaid, the same may be redeemed at any time within three years after such disability is removed. In case of redemption, the money may be paid to the purchaser, or for him to the town secretary, who shall make a special deposit thereof with the treasurer, taking his receipt therefor. If not redeemed, the board of trustees shall, upon the return of the certificate of sale or proof of its loss, direct the marshal or collecting officer, to his successor, to execute a deed to the purchaser, conveying to such purchaser the premises so sold and unredeemed as aforesaid. The officer may charge a fee of one dollar for every deed so made, and an amount sufficient to pay other necessary costs of such deeds, to be taxed as other costs.

§ 9. If at any sale of real or personal estate for taxes, or other assessments, no bid shall be made for any parcel of land, or any grounds or chattels, the same shall be struck off to said board of trustees for the benefit of the town; and thereupon the board of trustees shall receive from the officer making the sale a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales, and for the benefit of the town, and the collector shall execute to the purchaser a certificate of sale for all real estate sold for tax.

§ 10. Any deed or duly authenticated copy of the record thereof, made for real estate sold for taxes or assessments, shall be *prima facie* evidence of the power and authority to sell the same; that all proceedings in reference to such sale and levying the taxes or assessments for which the same was sold were regular.

ARTICLE VIII.

§ 1. That the board of trustees shall, at the expiration of the year for which they were elected, caused to be posted in one public place in said town a full and correct statement of the receipts and expenditures for the past year; together with

the sources from whence the former were derived, and their mode of disbursement, together with such other information as may be necessary to a full understanding of the financial concerns and conditions of the town.

§ 2. Every ordinance, by-law, or regulation imposing any fine, penalty, imprisonment, or forfeiture for a violation of its provisions, shall, after the passage thereof, be published one week by posting one written or printed copy at one of the most public places in the town.

§ 3. That the members of the board of trustees shall be exempt from paying poll-tax.

§ 4. All ordinances, regulations or by-laws, now in force in said town, and not inconsistent with this act, shall remain in full force under this act until altered, modified, or repealed by the board of trustees after this act shall take effect.

§ 5. That all acts or parts of acts inconsistent herewith are hereby repealed; and this act may, at any time, be altered, modified, or repealed by the General Assembly of Kentucky.

§ 6. This act shall take effect from and after its passage.

Approved January 24, 1884.

CHAPTER 52.

AN ACT to repeal an act, entitled "An act to incorporate the Cumberland River Improvement Company," approved April twenty-fourth, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Cumberland River Improvement Company," approved April twenty-fourth, one thousand eight hundred and eighty-two, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved January 24, 1884.

CHAPTER 53.

AN ACT authorizing the county judge of Lyon county to issue a tavern-license to H. B. Riggs, of Kuttawa.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That T. J. Watkins, county judge of Lyon county, be, and is hereby, empowered to issue to H. B. Riggs a tavern license for one year to keep a tavern in Kuttawa, in Lyon county, without the usual ten days' notice, and at a special term of the Lyon county court.

§ 2. This act shall take effect from its passage.

Approved January 28, 1884.

CHAPTER 54.

AN ACT to amend the charter of the town of Kuttawa, in Lyon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Kuttawa, in Lyon county, are hereby authorized and empowered to charge and collect from any tippling-house, tavern, bar-room, or other place in said town where spirituous, vinous, or malt liquors are sold by the drink or otherwise, the sum of not exceeding one hundred dollars per annum for license to carry on said business in said town.

§ 2. Than the charter of said town is hereby amended so as to repeal any part thereof in conflict with this act.

§ 3. This act shall take effect from its passage.

Approved January 28, 1884.

CHAPTER 55.

AN ACT levying and imposing a tax on the dogs of Boone county, and providing for its collection and appropriation to the payment of losses by the owners of sheep in said county occasioned by dogs killing and injuring sheep.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an annual tax of fifty cents on each dog, and one dollar on each bitch, in Boone county, be, and the same

is hereby, levied and imposed, to be collected and appropriated as provided in this act.

§ 2. That the assessor of Boone county shall take a list each year of all the dogs and bitches in said county, and return the same to the county court clerk's office at the time he returns his assessment of county and State taxes. The assessors shall provide a book for that purpose, and shall enter said lists therein in a plain handwriting, showing the names of the persons listing said dogs and bitches, and the number of each listed by each person. The said book shall be styled "The Dog Tax-book of Boone County," and the assessors shall sign it at the close of said list or assessments, and it shall be kept by the county court clerk as other public records, and be a county record, and open to public inspection.

§ 3. It shall be the duty of each person in said county, when called on by the assessor each year for the purpose of taking his list for State and county assessments and levies, to furnish and give to the assessor a verbal statement, under oath, to be administered by the assessor, showing the number of dogs and bitches owned or kept by such person, or by any member of his family residing with him on the tenth day of January, for the year said assessment or list is being taken. The person giving in said dogs or bitches shall be liable for the tax against the same, and the same shall be collected from him as herein provided. Any person refusing to give in such list to the assessor shall be reported by him to the county court, in writing, and said court shall cause him to be summoned to its next term to show cause for his said failure or refusal; and if he fail to respond or to show good cause, he shall be fined ten dollars by the court, to be collected from him and paid over as a part of the dog tax. Said person shall then give his said list to the court for taxation, and the sheriff shall then collect the tax thereon, or the court may hear proof concerning said list, and provide the sheriff with the list for taxation and collection.

§ 4. That the assessor shall be allowed five cents for each dog or bitch assessed by him under this act and properly reported on his list, and the same shall be paid him out of

the dog-tax on the order of the county court, which order may be made at any time before the distribution of the fund, and paid him out of said fund on said order.

§ 5. That the assessor shall be fined not exceeding five dollars for each dog or bitch that he fails, through carelessness, neglect, or want of reasonable diligence, to list, and a like sum for each failure to swear any person to his list; and each failure to perform either of such duties shall be deemed a separate offense. The said fines may be recovered by a warrant before a justice of the peace, county judge, or by indictment in the circuit court. For a violation on his part to perform any other duty imposed on him by this act, he shall be fined in any sum not exceeding one thousand five hundred dollars, to be recovered by indictment; and said fines, when collected, shall be a part of the sheep fund provided for by this act, and shall be paid over to it by the collecting officer.

§ 6. The sheriff of Boone county shall, by virtue of his office, be collector of said tax levied by this act, and he and his sureties on his county levy bond shall be liable to the county therefor when a good and sufficient county levy bond is taken; but if no such bond be given by the sheriff, then he and his sureties on his general official bond shall be liable to the county therefor, and the county attorney shall, in the name of the county, institute and prosecute all necessary actions on such bond against the sheriff or his sureties, or any of them, as may be necessary to recover said fund or any part of it in the hands of the sheriff going to said sheep fund hereby established.

§ 7. The sheriff shall have all the powers and rights in collecting said tax that he has in collecting the county and State taxes and levies, and may proceed in the same manner as he may in collecting the county and State taxes and levies; and no property of any kind shall be exempt from said taxes. The sheriff shall collect said taxes, and make settlement of his accounts concerning same with the county court or a commissioner appointed by it; and he shall pay the same over as said court may order on or before the first day of January each year.

§ 8. The sheriff, in collecting said taxes, shall in every case first apply therefor to the person who listed the dog or bitch, and collect the same of him or her; but if such person was not the owner of such dog or bitch at the time of listing, and fails on such application to pay the same or refuses to do so, and such person was living upon the premises of another at the time of giving in the list, then the sheriff shall apply to the owner of the premises, upon which the party owning the dog or bitch resided when the list was given in, for payment of such taxes, and shall proceed to collect the same from the owner of said premises as though the taxes were against him. All of the taxes provided for by this act shall be due and collectable each year as soon as the assessor returns his said list to the county court clerk; and the sheriff shall proceed to collect the same without delay; and for his services in collecting and paying over said taxes, he shall be allowed the same commission that he is allowed by law for collecting the county levy, and to be retained by him in the settlement of said fund with the county court.

§ 9. That any dog or bitch, listed for taxation under this act, belonging to a resident of Boone county, is hereby declared to be personal property; and the owner thereof may maintain a civil action and proceeding for any injury or damage done thereto, or for the recovery thereof, or for the value thereof, or other action that may be had by him in regard to other personal property. Any such dog or bitch shall be the subject of petit larceny; and any person committing a larceny of such dog or bitch shall, on conviction thereof, be punished as provided by law for that offense. In any action for damages, or the recovery of a dog or bitch, the court or jury may allow the plaintiff exemplary damages.

§ 10. That each owner of land in said county shall also be liable and responsible for the tax levied and imposed hereby upon all the dogs and bitches owned or kept or given in by any person or tenant living upon his or her land or premises, such responsibility, however, to be only for the tax on such dogs and bitches as were owned, kept, or given in by

such persons or tenants as of January tenth each year, while such persons or tenants were so residing upon the land or premises, or was the tenant of the person so sought to be held liable for said taxes.

§ 11. The county court of Boone county shall appoint a receiver of said taxes, and take from him a bond, with good security, to be approved by the court, to the Commonwealth, conditioned that he will well and truly discharge his duties as such receiver of the Boone county sheep fund, and pay over same at any and all times to such persons and in such amounts as may be ordered by the county court or other proper legal authority, upon which bond any person aggrieved by the failure of the receiver to pay over may institute his action in any court having jurisdiction of the amount claimed, and recover from said receiver and his sureties, or from any or all of them, whatever he may be entitled to from said sheep fund. The county attorney may proceed upon such bond in behalf of the county as herein provided. Said receiver, before entering upon the discharge of his duties, shall be sworn to faithfully discharge his duties as receiver.

§ 12. That the dog tax, when collected under the provisions of this act and paid over to the receiver, shall constitute a fund to be designated "The Boone County Sheep Fund," and it shall be appropriated to the payment of the damages and injury to the sheep in said county by dogs, as provided in this act.

§ 13. That any person residing in and owning sheep in said county injured or killed by dogs therein, may, on or before the tenth day of January next succeeding the time of such injury or killing, and not after that date, produce and file in the county clerk's office with said clerk a statement, in writing, showing when the sheep were injured or killed, and where, and the number injured, and the number killed, and by whose dogs, if he knows, and the value of the sheep killed, and the extent of the damage done to those injured, which statement shall be in writing, and signed and sworn to by the owner of such sheep, and must be accompanied

by the affidavits of at least two creditable persons residents of the county at the time of the killing or injury, stating that they had examined said sheep, and their value, and the amount of damage done to those not killed but injured; and that the claimant was, at the time of the killing or injury, a resident of Boone county; and that neither of the witnesses reside within one mile of the party presenting the claim, and are not related to him, and have no interest in the claim. Said affidavits may be presented at any time up to January tenth succeeding the killing or injury complained of, when they do not accompany the claims; and when any claim is presented which is believed by any resident of the county to be unjust, and not a valid claim against said fund, he shall so inform the county attorney, stating the grounds for his belief, and if his grounds are reasonable, it shall be the duty of the county attorney to contest such claim; and he shall, for that purpose, cause a notice of the time that he will appear before the county court, and move a rejection, in whole or in part, of such claim, to be served on the claimant, and may cause witnesses to be summoned, and produced in court, and at the time specified he shall make his proposed motion, which shall be heard and tried as other motions in said court, each party having the same right as in other like proceedings; and the court shall render such judgment as it may deem just and lawful in the premises. The county attorney shall prosecute the case in the name of the county as plaintiff, and there shall be no appeal in the case. Either party may demand a jury trial when the claim exceeds sixteen dollars. The county attorney shall contest any claim against said fund that he believes unjust in whole or in part.

§ 14. The county court shall, on or before the first Monday in February in each year, call up for adjudication all the claims filed against said sheep fund for the previous year up to the preceding tenth of January, and shall pass upon said claims, and allow such as are not contested, or so much thereof as it may deem just and legal, as shown by the proof on file; and such claims as may be objected to or contest-

ed shall be tried and disposed of as rapidly as practicable by the court, giving the parties proper continuances when asked for. When said claims are called up, the county attorney shall be present, or some other attorney may be appointed to act in his place by the court, and may object to the allowance of any claim in the name of the county, and such claim shall then be regularly tried on the affidavits and proof, and such other testimony as may be produced by the parties, reasonable time being allowed them by the court by an adjournment of the trial. The costs shall be adjudged against the unsuccessful party on any claim or disputed claim. So soon as the claims presented as herein provided for any year are all passed upon by the court, then it shall be the duty of the court to order the receiver of said fund to pay over to the claimants whose claims are allowed by the court against it, after deducting all costs of collecting and distributing said funds, including assessors, collectors, and receivers' fees, and all costs that may have been adjudged against it in the litigation of any claims against said fund, and any other costs against said fund provided for by this act. If, however, the fund be insufficient to pay all of the claims, the court shall order all fees, costs, and judgments against said fund paid as aforesaid, and order the remainder of said fund to be prorate amongst the claimants whose claims are allowed.

§ 15. The receiver provided for in this act shall retain five per cent. of the funds arising from said dog tax as compensation for his services, and the court shall so estimate his fee in ordinary payment on claims.

§ 16. The county court may, by proper order, release any person from any erroneous, illegal, or improper assessment of said tax, at any time before said taxes are ordered to be paid over by the receiver on claims.

§ 17. The receivers herein provided for shall each hold office for two years, whether appointed to fill a vacancy or otherwise, unless sooner removed by the county court. Said court may remove the receiver at any time and appoint another, and may fill any vacancies that may occur in said office at any time. When the time of any receiver expires, or he shall be removed by the court, he shall at once settle his ac-

counts with the county court, and pay over to his successor, or to such person as the court may order, such sum as may be found in his hands on settlement. The county court may, by rule or attachment, coerce a settlement by the receiver at any time when the same is due, or at any time when the court may think that the safety of the fund requires it. It shall also be the duty of the county attorney of said county, with or without an order of the county court directing him so to do, to sue any receiver and his securities, or either of them, or the representatives of them or any of them, on the receiver's official bond, for the recovery of any money or sum in the receiver's hands which he has failed or refused to pay over on his settlement or on removal from office, or at any other time when the county court may have so ordered him to pay; and the money collected on such judgment shall be paid over by the officer collecting it to such receiver or other person as the county court may order for the benefit of said sheep fund, and shall be disposed of as the sheep fund for the year to which it belongs under proper orders of the county court; and when the office of receiver becomes vacant by death or removal from the county, the county attorney may sue immediately, in the name of the county, the receiver or his sureties, or any of them, or their representatives, or the representatives of any of them, for the recovery of whatever may have been in the hands of the receiver going to said sheep fund, or belonging thereto; and the sum recovered shall be disposed of accordingly. A removal from the county by the receiver shall vacate his office.

§ 18. That any person knowingly swearing to a false statement to the assessor as to the number of dogs or bitches it is made his or her duty to give in under this act, shall be guilty of false swearing, and shall be subject to all the pains and penalties for that crime.

§ 19. That it shall be the duty of the assessor to make out his lists by magisterial districts, and to arrange the lists alphabetically in his books; and the county court clerk, on the receipt thereof, shall make a certified copy thereof, and deliver the same to the sheriff on or before June first of each

year. The sheriff shall then proceed to collect same, and may distrain and sell therefor at once, if necessary. The clerk, for his services in copying said lists, shall be allowed by the court a reasonable sum per list, payable out of the sheep fund.

§ 20. The county court shall cause to be published in the county paper, if one be published in the county, on or before the tenth day of February each year, all of the claims, and by whom presented, against said sheep fund; and also post a notice of the same kind at the court-house door for public inspection.

§ 21. That the general law of the State, authorizing the killing of dogs running at large on the premises of another without the owner's presence, is hereby suspended as to Boone county; but the general law providing for the killing of any dog which may be, or have been, found killing, or worrying, or injuring any cattle outside of the inclosure of the dog's owner, is to be and remain in full force in said county. All special laws providing for a dog tax in said county heretofore in force, are hereby repealed.

§ 22. That if there should be a surplus of said sheep fund for any year, after paying off the claims and costs against it, such surplus shall be considered as belonging to the county; and, on order of the county court, shall be paid over on claims against the county, or it may be appropriated by the county court to county purposes.

§ 23. This act shall be in force from and after its passage; and all other special laws levying a tax on dogs and bitches in Boone county are hereby repealed. The officers of Boone county, who have duties to perform under the provisions of this act, will proceed with same without delay.

Approved January 28, 1884.

CHAPTER 56.

AN ACT to incorporate St. Mary's Lodge of Free and Accepted Masons, number two hundred and forty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. M. Owens, S. G. Hillis, L. A. Grimes, B. T. Wells, and Jno. M. Freeman, and their successors in office, be, and they are hereby, created a body-politic and corporate, by the name of St. Mary's Lodge, number two hundred and forty, Ancient Free and Accepted Masons; and that they, and their associates and successors, shall so continue, and shall have perpetual succession, and in that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with; and shall have the right to sue and be sued in all the courts of law and equity in this Commonwealth; to make and use a common seal, and the same to break, alter, and renew at pleasure. Said corporation may make regulations and by-laws for their government, and may alter, amend, or renew the same at pleasure: *Provided*, The same are not contrary to the laws of the United States or of this State, and not inconsistent with the laws and regulations of the constitution and by-laws of the Grand Lodge of Masons, jurisdiction of Kentucky. The said corporation shall have power to acquire by purchase, gift, or donation real and personal estate, not exceeding twenty thousand dollars in value; and to sell and convey, by order of said lodge, in such manner as may be directed by order entered upon the books of said lodge, all or any part of the same, and may reinvest the proceeds as the lodge by order may direct.

§ 2. This act to take effect and be in force from and after its passage.

Approved January 28, 1884.

CHAPTER 58.

AN ACT to incorporate Ebenezer cemetery, in Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John D. Tully, Amos Means, Mandley Trapell, and J. W. Tully, and the present trustees of Ebenezer Presbyterian Church, and all persons who may purchase and own burial lots in Ebenezer cemetery, Lewis county, Kentucky, and their successors, are hereby incorporated and made a body-politic, by the name of "Ebenezer Cemetery Association," for the humane purpose of preparing more room for the burial of the dead, and for the better care and protection of the same; and they shall have perpetual succession, and in that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, and shall have the right to sue and be sued in all the courts of law and equity in this Commonwealth. Said corporation may make regulations and by-laws for their use and government, and may after, renew, and amend the same at any regular meeting of the association: *Provided*, The same are not contrary to the laws of the United States or of this State.

§ 2. The said corporation shall have the power to acquire by gift, purchase, or donation, real and personal estate not exceeding twenty-five (25) acres of land, and of more value than one thousand (\$1,000) dollars, and to sell and convey by order of the association, in such manner as may be directed by order entered upon the books of the association, any part of the same, and may reinvest the proceeds as the association by order may direct.

§ 3. This act shall take effect and be in full force from and after its passage.

Approved January 28, 1884.

CHAPTER 59.

AN ACT to incorporate the Concord Lodge, Independent Order of Odd Fellows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. T. Wells, S. G. Hillis, L. A. Grimes, W. Trabu, Jas. H. Garrett, William Sparks, and J. T. Hines, and their successors, be, and they are hereby, created a body-politic and corporate, by the name of Concord Lodge, number two hundred and sixty, Independent Order of Odd Fellows; and they and their associates and successors shall so continue, and shall have perpetual succession, and in that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with; and shall have the right to sue and be sued in all the courts of this Commonwealth; to make and use a common seal, and the same to break, alter, and renew at pleasure. Said corporation may make regulations and by-laws for their government, and may alter, amend, and renew at pleasure: *Provided*, The same are not contrary to the laws of the United States or of this State, and not inconsistent with the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February sixteenth, one thousand eight hundred and thirty-eight. The said corporation shall have power to acquire by purchase, gift, or donation, real and personal estate, not exceeding twenty thousand dollars in value, and to sell and convey, by order duly entered upon the books of the lodge, all or any part of the same, and may reinvest the proceeds as the lodge, by order, may direct.

§ 2. This act to take effect and be in force from and after its passage.

Approved January 28, 1884.

CHAPTER 60.

AN ACT to incorporate the East Fork Cemetery Association, of Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John M. Myers, Benjamin Biven, S. G. Hillis, James H. Barkley, and the present trustees of East Fork Christian Church, and all persons who may purchase and own burial lots in East Fork Cemetery, Lewis county, Kentucky, and their successors, are hereby incorporated and made a body-politic, by the name of "The East Fork Cemetery Association," for the humane purpose of preparing more room for the burial of the dead, and for the better care and protection of the same; and they shall have perpetual succession, and in that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with; and shall have the right to sue and be sued in all courts of law and equity in this Commonwealth. Said corporation may make regulations and by-laws for their use and government, and may alter, renew, and amend the same at any regular meeting of the association: *Provided*, The same are not contrary to the laws of the United States or of this State.

§ 2. The said corporation shall have the power to acquire by gift, purchase, or donation real and personal estate, not exceeding twenty-five acres of land, and of more value than one thousand dollars, and to sell and convey, by order of the association, in such manner as may be directed, by order entered upon the books of the association, any part of the same, and may reinvest the proceeds as the association, by order, as they may direct.

§ 3. This act shall take effect and be in full force from and after its passage.

Approved January 28, 1884.

CHAPTER 61.

AN ACT to authorize the Clinton county court to issue bonds and levy a tax,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Clinton county court is hereby authorized to issue bonds, not exceeding fifteen thousand dollars in all, for the purpose of building a new court-house, payable in one, two, three, four, five, and six years, to bear interest from the date of issue at the rate of six per cent. per annum, and made payable to bearer; interest to be paid annually. The bonds shall be in denominations not less than fifty nor more than one thousand dollars. Each bond shall be signed by the county judge and countersigned by the county clerk under the seal of his office; and a register shall be kept by the clerk of said court of each bond issued, showing the date of issue, amount thereof, and when due.

§ 2. That said bonds shall not be sold for less than par, and the proceeds thereof used to purchase a lot or lots in said town upon which to erect a court-house (if deemed necessary), and to pay for building the court-house and all expenses connected with the building of said court-house. If more bonds shall be issued than is necessary for the above purposes, and for the payment of interest due on said bonds, if no funds on hands to meet the same, the said court may, if they deem proper, use a part of the funds to repair the present clerk's office.

§ 3. That for the purpose of paying the interest on said bonds, and paying off said bonds as they become due, the county court of said county is hereby authorized to levy annually a poll tax not exceeding two dollars per capita, and an ad valorem tax not exceeding thirty cents, on each one hundred dollars' worth of property in said county subject to taxation for revenue purposes under the laws of the State. A levy to be made annually until all of said bonds are redeemed.

§ 4. That if it be deemed necessary to purchase a site for the court-house, the county judge of said county is author-

ized to make the contract for the same, and cause a deed to be made to the county for the lot or lots purchased therefor.

§ 5. That the county court of said county is hereby authorized to sell the material in the old court house, and sell the clerk's office now in use, and the ground on which it is situated, and appoint a commissioner to convey the same, if they deem it best to do so, or sell the material thereof.

§ 6. That authorizing the issual of bonds, and in making levies of tax, a majority of the justices shall concur.

§ 7. That the said county court is authorized to decide and determine whether it will be best to purchase a site for the new court-house or build upon the present site; whether it will be advisable to sell the present clerk's office and ground on which it is built; and said court is hereby authorized to do any and all things necessary to be done in order to carry out the provisions of this act.

§ 8. That this act to take effect from and after its passage.

Approved January 28, 1884.

CHAPTER 63.

AN ACT to authorize the Cumberland county court to levy an ad valorem tax for the purpose of paying the jail and poor house debt of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Cumberland county, a majority of the justices of the peace therein concurring, shall have power to levy an ad valorem tax of not exceeding fifty cents in any one year, on each one hundred dollars' worth of taxable property of said county for the purpose of paying the debt incurred by said county in building a new jail and poor-house; and said tax, when levied, shall be collected as the other taxes are now collected.

§ 2. That the levy of twenty-five cents on each hundred dollars' worth of taxable property levied by the court of claims of said county at October term, one thousand eight hundred and eighty-three, be, and the same is, now legalized.

§ 3. That the county court of said county is authorized to meet at any time after the passage of this act to make an additional levy for poor-house and jail purposes.

§ 4. That this act shall be in force from its passage, and remain in force until the present debt of said county is extinguished.

Approved January 31, 1884.

CHAPTER 64.

AN ACT to incorporate the Bowling Green and Green River Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. C. Alexander, W. T. Miller, G. W. Campbell, Allen J. Taylor, E. B. Seeley, and R. K. McGinnis, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the "Bowling Green and Green River Turnpike Company," and by said name and style shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts and places in this Commonwealth; and may have and use a common seal, and may alter or change same at pleasure.

§ 2. Said company is hereby authorized and empowered to construct a turnpike, macadamized or gravel road, in its discretion, from a point at or near the boat landing, or from a point at or near the limits of the city of Bowling Green, toward or to a point at or in the vicinity of the mouth of Barren river, to be located on the most practicable route between said points; and in order to raise the funds necessary to construct said road, said company shall have power to raise a sum, by the issue and sale of the capital stock, not to exceed fifty thousand dollars, to be divided into shares of one hundred dollars each.

§ 3. That books for the subscription of stock shall be opened in the city of Bowling Green, and such other places as may be deemed best, under the direction of the persons hereinbefore named, all of whom are hereby made commis-

sioners, for the purpose of obtaining the capital stock of said company; they shall insert an obligation in the subscription book as follows: "We, whose names are hereto subscribed, severally promise to pay to the Bowling Green and Green River Turnpike Company the sum of one hundred dollars for each share of stock in said company set opposite our names, in such manner and proportion, and at such times, as shall be required by said company. Witness our hands this — day of —, one thousand eight hundred and eighty—." When the sum of four thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of said commissioners named in this act to give notice, in such manner as they may think proper, of a meeting of the stockholders of said company, at such time and place as may be specified in said notice, for the purpose of electing five directors, one of whom shall be elected president by the directors; one vote shall be allowed for each share of stock; and the president and directors shall continue in office for one year, and until their successors are elected and qualified. The time and place of all elections after the first election shall be fixed by the president and directors, and a majority of the board shall be competent to transact business.

§ 4. So soon as said company is organized by the election of a president and directors as above provided, they shall be a body-politic and corporate, by the name and style above stated, and by that name shall have perpetual succession, and all the privileges and franchises of incident to a corporation; shall be capable of holding their capital stock, and taking and holding by purchase or gift, all such lands, tenements, and hereditaments, real or personal property, as may be necessary for the prosecution of its work or the objects of this corporation.

§ 5. The president of said company may call meetings of the board of directors whenever he may think proper, and on application of any two directors to him; the board of directors shall have power to elect a secretary and treasurer, and such other officers as they may think necessary, and to fill such vacancies as may occur in said board during their term

of office. Said board shall require of the treasurer, before he assumes the duties of his office, a bond for the faithful and honest discharge of his duties, and to faithfully account for all moneys that may come to his hands as such treasurer, which bond and security shall be approved by the board. Said board shall keep a record of their proceedings, which shall be signed by the president; and in the absence of the president the board shall elect a president *pro tem*. Said board shall have power to make all necessary by-laws and regulations for the government of said company, and may sue for and recover in the name of said company, from delinquent stockholders, the amount due and unpaid upon any share or shares of stock in said company.

§ 6. The president and directors shall fix and regulate the elevation and grade of said road, the width and part thereof to be covered with stone or gravel, and may fix the rates of toll, and may change and alter the same at pleasure; but said rates shall not exceed the rates prescribed by chapter one hundred and ten of the General Statutes; and when two and one half consecutive miles of said road shall have been completed and examined and approved by any two justices of the peace of Warren county, who shall examine the same on application of the president of said road, a toll-gate may be erected and toll collected, under such rules and regulations as shall be prescribed by the president and directors, and under the general law of the State. But until said road is completed for five consecutive miles, the toll collected shall be in proportion as the length of road finished bears to five miles.

§ 7. The president and directors of said company and their employes are hereby authorized to take the consent, in writing, of all persons who may consent to grant the right of way for said turnpike road, and the use of materials for building and repairing said road; and when either the right of way or any of the materials necessary for the construction of said road cannot be acquired by consent or purchase, said president and directors may apply to the county court of the county of Warren for a writ of *ad quod damnum* to assess the damages which may be sustained by the owner of

said land; and the jury, in assessing the damages, after giving the claimant the actual value of land taken, shall take into consideration the advantages resulting to the party or parties claiming damages, and set the same off against any damage resulting to the inside of the tract by the construction of said road; and upon the payment of the damages assessed, or the tender thereof, it shall be lawful for said company and its employes to make said road, and to dig and carry away any stone or other material necessary for the construction or repair of said road; and said company may acquire by purchase or by writ of *ad quod damnum*, as above set forth, land not exceeding ten acres, for the purpose of erecting a toll-house on said road; and said company may procure from the Warren county court the right of way over any road over which the said county has control.

§ 8. The president and directors of said company may make and declare equitable dividends of the surplus earnings of said company among the stockholders, according to their respective shares, after paying the expenses of said company.

§ 9. Certificates of stock in said company shall be signed by the president and countersigned by the secretary, shall be deemed personal estate, and shall be transferable on the books of the company in such manner as the president and directors shall prescribe.

§ 10. The capital stock of said company shall be used in the procurement of the right of way, materials, and so forth, and in constructing said road, and in defraying all legitimate expenses incident to the construction of said road, and for no other purpose; and the stockholders in said company shall only be bound to the extent of their stock in said road.

§ 11. Said company shall have the right to negotiate and contract with the owners and controllers of the road leading from Bowling Green to the Double Springs; and if it acquires said road to the extent of its length, it shall be regarded as a part of the road of said Bowling Green and Green River Turnpike Company, as though it had been originally built by it. And said company shall also have

the power and authority to contract with the Warren county court for the right of way over the bridge over Barren river, and may contract for the use and right of way over the approaches to said bridge, upon such terms as may be agreed upon by said company and said county court.

§ 12. This act shall take effect and be in force from and after its passage.

Approved January 31, 1884.

CHAPTER 66.

AN ACT to authorize the trustees of the Theological Seminary, under the care of the General Assembly of the Presbyterian Church in the United States of America, at Danville, in this State, to sell and convey real estate.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the Theological Seminary, under the care of the Presbyterian Church in the United States of America, at Danville, in State of Kentucky, may sell and convey any real estate said corporation may own or hereafter acquire.

Approved January 31, 1884.

CHAPTER 67.

AN ACT incorporating the Springfield Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and is hereby, incorporated, under the name and style of the Springfield Turnpike Road Company, and by said name and style shall have perpetual succession, and may sue and be sued, plead and be impleaded; and as such is hereby vested with all the powers and rights enjoyed by similar corporations in this Commonwealth.

§ 2. The following persons are appointed commissioners to receive subscriptions of stock to said company, viz:

W. L. Mullican, W. H. Ryan, W. P. Montgomery, R. P. Cooper, G. T. Clements; and said persons, or any three thereof, are authorized to open books and receive subscription at any time or place they may deem proper.

§ 3. The capital stock of said company shall be divided into shares of twenty-five dollars each, and the entire capital stock shall not exceed the sum necessary to construct said road and toll-houses.

§ 4. The toll on said road shall be at the rate now allowed by law.

§ 5. When a sufficient amount of stock shall be subscribed to justify the beginning of said road, the commissioners, or such of them as may act, shall, at such time and place as they may deem proper, call a meeting of the stockholders and hold an election, and choose a president and three directors, whose term of office shall be for the period of one year from the day of their election, or till their successors are elected and qualified.

§ 6. That the grade and width and depth of metal of said road shall be determined by the president and directors.

§ 7. That the president and directors shall have power to let out the construction of the road upon such terms as they may deem to the best interest of the company, and shall have power to allow any stock taken to be paid for in work in constructing said road, upon such terms as said president and directors may think proper.

§ 8. It shall be the duty of the president and directors to appoint one of the directors treasurer, who shall be responsible for all moneys of the company, subject to the order of the president; and he shall also keep an account of the receipts and expenditures of said company in a book kept for that purpose, which shall be open to the inspection of any stockholder in said company.

§ 9. This road shall commence as near Springfield, in Washington county, Kentucky, as practicable, and run thence to a point on the old Frankfort Dirt Road near W. L. Mullicans; thence along the old Frankfort Dirt Road to the Beechland and Lincoln Run Turnpike Road.

§ 10. The county court of Washington county are hereby authorized to subscribe to the capital stock of said company, in an amount not exceeding one thousand dollars per mile, should they, in their discretion, deem it necessary.

§ 11. That in case the proprietors or owners of the land over which such road runs refuse to grant the right of way, or are infants or absent permanently from the county, or are non-residents of the State and county, said company may, upon application to the county court, after said parties have been summoned as provided in the Civil Code of Practice, obtain from said county court of the county wherein the land lies a writ of *ad quod damnum*, which writ shall be issued and executed as such writs are now issued and executed, and such proceedings had thereon as are authorized by law in condemning roads and passways: *Provided*, That said company shall pay the damage assessed in such proceeding.

§ 12. This act shall take effect from its passage.

Approved January 31, 1884.

CHAPTER 68.

AN ACT to legalize the action of the Floyd county court appointing commissioners to have public buildings erected for said county, and so forth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the action of the Floyd county court, taken at its November term, one thousand eight hundred and eighty-two, by which it appointed J. R. Langley, W. H. May, and F. A. Hopkins as commissioners to have erected public buildings for Floyd county, Kentucky, upon the lot conveyed to the Floyd county court by the heirs of Joseph M. Davidson, deceased, lying in the town of Prestonsburg, be, and the same is hereby, legalized and made valid.

§ 2. This act shall take effect from and after its passage.

Approved January 31, 1884.

CHAPTER 69.

AN ACT to incorporate the Leathers' Store and Washington County Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company may be formed, and created a body-politic and corporate, by the name and style of the Leathers' Store and Washington County Turnpike Road Company; beginning at or near Mrs. Valois Leathers', on the Johnsonville branch of the Fox Creek and Washington County Turnpike Road, and by Leathers' Store, by Penny's Chapel Church, thence the most practicable route to the Crutcher ford, on the Washington county line.

§ 2. The president and board of directors of the Johnsonville road shall have power to open books for the subscription of stock at the following places: Lawrenceburg, Camdensville, and Johnsonville. The capital stock of said company shall be six thousand dollars, to be divided into shares of twenty-five dollars each.

§ 3. That the county judge of Anderson county shall be authorized to subscribe in said turnpike company, in the name of Anderson county, to an amount not exceeding one thousand dollars for each mile in length; and shall be governed in making said subscriptions, and levying and collecting the tax to pay the same, by the provisions of an act authorizing the county of Anderson to take and hold stock in certain roads in said county, approved March tenth, one thousand eight hundred and fifty-four; and said act, as far as applicable to and not inconsistent with this act, is made part hereof.

§ 4. That sections two, three, four, five, six, seven, eight, nine, eleven, twelve, thirteen, and fourteen of an act, entitled "An act to incorporate the Camdensville, Johnsonville, and Burnt Church Turnpike Road Company," approved February twenty-fourth, one thousand eight hundred and seventy, as far as they are applicable and not inconsistent with the provisions of this act, are made and enacted as part hereof.

§ 5. That when said road is completed, they shall have power to establish a toll-gate, and shall charge toll at the rate now provided by law, and no law heretofore enacted shall preclude the county court from taking in said road on account of the length of said road being less than four miles.

§ 6. This act shall take effect from its passage.

Approved January 31, 1884

CHAPTER 70.

AN ACT to fix the time and regulate the election of directors or other officers of certain turnpike road companies in Washington county.

WHEREAS, A number of the turnpike road companies in Washington county have failed for a number of years to elect directors and other officers; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when, from any cause, any turnpike road company in Washington county, in which the Washington county court has, or may hereafter own stock, shall fail, or heretofore has failed for one year to elect directors or other officers of such company, it shall be the duty of the judge of the Washington county court, by an order entered of record, to fix the time and place for an election of directors or officers of such company as contemplated by the charter thereof, of which election he shall cause notices to be given, by written or printed notices posted in three or more public places in Washington county, for at least ten days before the time fixed for such election, when an election of directors or other officers of such company shall be held at the time and place as fixed by the county judge as aforesaid, as contemplated by the charters of such road companies; and the directors or officers elected at such election shall constitute the directors or officers of such companies, as provided by the various charters thereof, and shall hold their respective offices until their successors shall have been elected as provided by law.

§ 2. Any director or officer who shall fail to vacate his office or surrender to his successor all money, books, papers, or other property belonging to such company shall be guilty of a misdemeanor, who, upon conviction, shall be fined not less than ten nor more than one hundred dollars for each offense.

§ 3. That prosecutions for a violation of section two of this act shall be either by warrant of a justice of the peace or by indictment in the circuit court, and the fines assessed for a violation of section two shall inure to the benefit of the road whose officers are fined.

§ 4. All acts or parts of acts in conflict with this act are hereby repealed.

§ 5. This act shall take effect and be in force from and after its passage.

Approved January 31, 1884.

CHAPTER 71.

AN ACT to incorporate the Monticello and Albany Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company, to be known by the name and style of the Monticello and Albany Turnpike Company, is hereby incorporated and created a body-politic, with perpetual succession, for the purpose of constructing and operating a macadamized or gravel road from Monticello, in Wayne county, to Albany, in Clinton county, with all the powers, privileges and franchises granted under chapter one hundred and ten of the General Statutes, and amendments thereto, and such powers, privileges, and franchises as are granted herein.

§ 2. That the capital stock of said company shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each, and stockholders shall have one vote for each share of stock held by them respectively.

§ 3. That John W. Tuttle, R. Burnett, William Hall, J. W. Long, B. M. Yates, T. V. Stephenson, and W. F. Harrison, or those who are willing to act, are hereby appointed

commissioners to open books to receive subscription of stock in said company; and when five thousand dollars is subscribed, they shall call a meeting of the subscribers of stock, who shall elect five directors, in whom and their successors shall vest forever all the corporate powers herein granted.

§ 4. The persons thus chosen as directors, after being sworn to faithfully discharge their duties as such, shall elect one of their number as president, and they shall hold their office till the second Saturday of January after their election, and until their successors are elected and qualified.

§ 5. Succeeding boards of directors shall be elected on the second Saturday in each year at the principal office of said company; or upon a failure to so elect, then at such time and place as the board holding over may designate in a public advertisement for not less than ten days.

§ 6. The directors may appoint such officers and agents as they may deem proper, and fix and pay the salaries of officers and agents, and require bond from such as they may deem necessary for a faithful performance of their respective duties, and to pay over all money that may come in their hands; and the president of the board of directors shall have power to fill all vacancies until the directors meet and make appointments.

§ 7. The said company may issue bonds in any sums they may deem proper, not exceeding ten thousand dollars, to run not exceeding twenty years, and at a rate of interest not exceeding six per cent. per annum, for the purpose of raising funds for the construction and repair of the road or toll-houses; and the directors may secure the same by mortgage on the road, toll-houses, land, and franchises of said company.

§ 8. The Commissioners of the Sinking Fund may subscribe for, take and hold stock in said company for the Commonwealth of Kentucky, if authorized by law to do so, and control the same for the State, and receive dividends thereon if any.

§ 9. The county courts of Wayne and Clinton may subscribe for and take stock in said company.

§ 10. Said company may extend their road from Albany in any direction that the directors may agree upon, but not to extend the road more than twenty miles beyond Albany.

§ 11. The board of directors are hereby authorized to pass such by-law as they may deem proper, not inconsistent with the constitution and laws of this State.

§ 12. That this act take effect from and after its passage.

Approved January 31, 1884.

CHAPTER 72.

AN ACT to amend an act, entitled "An act to consolidate common school district number thirty-five, Calloway county, with Murray Male and Female Institute."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section eleven of an act approved March six, one thousand eight hundred and seventy-eight, entitled "An act to consolidate common school district number thirty-five, Calloway county, with Murray Male and Female Institute," be amended by inserting the words "and ancient" after the word "modern" where it occurs in said section.

§ 2. This act shall take effect from and after its passage.

Approved January 31, 1884.

CHAPTER 73.

AN ACT to incorporate the Lexington Roller Mills Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Lucas Brodhead, Lester Witherspoon, and Lysander Hord, jr., their associates, successors, and assigns, be, and are hereby, made and constituted a body-corporate, under the corporate name of the Lexington Roller Mills Company. By and under said name said corporation shall have perpetual succession; may sue and be sued by its corporate name; may have a common seal, and alter the same at pleasure; may make contracts, acquire and transfer

property, having the same powers in such respects as private individuals enjoy; and may establish by-laws and make all rules and regulations deemed expedient for the management of its affairs not inconsistent with the Constitution and laws of this State or of the United States.

§ 2. The said corporation shall have the power to acquire, hold, and convey any real or personal estate of any and every kind, in fee-simple or otherwise; to establish and conduct a mill or mills for the purpose of grinding wheat, corn, or other kinds of grain, and converting the same into flour, meal, &c.; may deal in, buy, and sell grain of any kind, and flour, meal, &c., and any other goods or merchandise in this State or elsewhere. It may also establish a warehouse or warehouses, and take grain or other articles for storage therein, and may, in the conduct of its business, issue warehouse receipts in conformity to the general law governing warehouses and warehousemen.

§ 3. The capital stock of said corporation shall be forty-five thousand dollars (\$45,000), to be divided into shares of one hundred dollars each. Said stock shall be non-assessable; and the shares thereof shall be personal property, and shall be transferable on the books of the company in such manner as the by-laws shall direct. The capital stock of the corporation may, at any time, be increased to any amount not exceeding one hundred thousand dollars (\$100,000), upon the vote of the owners of two thirds of the stock. The private property of the stockholders shall in no case be liable for the debts of the corporation.

§ 4. Each share of stock shall entitle the holder thereof to one vote at all meetings of the stockholders.

§ 5. The affairs and business of said corporation shall be conducted by, and under the control of, a board of directors composed of three persons, which number may by by-law be increased to five, each of whom shall be a stockholder in the corporation. The persons herein named as stockholders shall compose the first board of directors, and shall hold their offices until their successors are elected by the stockholders, and enter upon their duties.

§ 6. The first regular meeting of stockholders shall be held in the city of Lexington, Kentucky, on the second

Monday after the passage and approval of this act, and a regular meeting of stockholders shall be held in said city annually thereafter on the first Wednesday in February in each year, at which meeting the directors of the company shall be chosen, to hold their offices till their successors are elected and enter on their duties, and any other business may be transacted pertaining to the affairs of the corporation. The president may, at any time, call a stockholders' meeting, whenever he may be of opinion that the business or affairs of the company require it, and shall call such meeting upon the written request of the owner or owners of one half of the capital stock; but if such extraordinary meeting be called, each stockholder shall be personally notified thereof, or notice of the meeting shall be published for one week in a newspaper published in Lexington, Kentucky. The by-laws may change the time and place for the meeting of stockholders to any time and place to be fixed by them. The other officers of the corporation shall be a president, to be elected by the board of directors, and a secretary and treasurer, and such other officers and employes as may be deemed necessary for the proper conduct of the business of the company.

§ 7. At a stockholders' meeting, the owners of a majority of the stock present, either in person or by written proxy, shall constitute a quorum for the transaction of all business of the corporation.

§ 8. A majority of the board of directors shall constitute a quorum thereof. They shall elect one of their number president, to hold his office and to be removable at the pleasure of the board. The board of directors may fill vacancies in said board, the person so chosen to hold his office till the next meeting of stockholders. The board may also appoint such clerks, mechanics, agents, and employes as they may deem necessary for the proper conduct of the business of the company.

§ 9. The subscriptions to the capital stock of the corporation shall be paid in upon such terms and at such times as the board of directors may prescribe, and no stock shall be issued to any subscriber until he shall have fully paid there-

for, or such payment secured to the satisfaction of the board of directors.

§ 10. Transfers of stock shall not be valid, except as between the parties thereto, until the same are regularly entered on the books of the company, so as to show the name of the person by whom and to whom the transfer is made, and the numbers or other designation of the shares transferred: *Provided*, That nothing in this act shall be construed to exempt the stock or property of this corporation from taxation.

§ 11. This act shall take effect from and after its passage.

Approved January 31, 1884.

CHAPTER 74.

AN ACT to repeal chapter three hundred and ninety of the Acts of one thousand eight hundred and eighty one and two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter three hundred and ninety of the Local Acts of the Session of one thousand eight hundred and eighty-one and two, entitled "An act to establish and prevent changes in or divisions of justice's or election precinct number one, in Bourbon county," approved March sixth, one thousand eight hundred and eighty-two, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 31, 1884.

CHAPTER 75.

AN ACT to incorporate the town of Buffalo, in Larue county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Buffalo, in Larue county, be, and the same is hereby, incorporated, with such boundaries, streets, alleys, and such other public grounds, not exceeding two hundred acres, as are now laid off and as may be

laid out by the trustees of said town; and the said trustees shall make, or cause to be made, a plat of said town as it is now laid out, which plat shall be recorded in the Larue county court clerk's office.

§ 2. That there shall be three trustees elected annually on the first Saturday in May for said town; that said trustees, and their successors in office, shall be a body-politic and corporate, and known by the name and style of the trustees of the town of Buffalo; and by that name be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts of this Commonwealth; and that said trustees may have and use a common seal, and shall have all the powers and privileges, and be subject to the same duties and liabilities as is provided by general law.

§ 3. The trustees of said town shall have power to levy a tax of not more than fifty cents on each poll within its corporate limits, and not more than ten cents on each one hundred dollars' worth of property in said town subject to taxation; and all forfeitures and taxes collected within the corporate limits of said town shall be paid into the treasury of said town, to be used by the trustees of said town for the public good of said town.

§ 4. That, on the same day set apart for the election of trustees of said town, there shall also be held an election annually for the purpose of electing a police judge and town marshal, who shall qualify and give bond, and shall be clothed with all the usual powers and privileges delegated to such officers; and they shall be governed and controlled by all laws made binding upon such officers.

§ 5. The county court of said county may appoint trustees and police judge and town marshal for said town, to hold their offices until the first election and qualification of their successors.

§ 6. The county judge, on written notice from any three citizens of said town that a vacancy exists in any of said offices, shall have power to fill the same.

§ 7. This act shall take effect from its passage.

Approved January 31, 1884.

CHAPTER 76.

AN ACT to amend the charter so as to regulate, increase, and define the jurisdiction of the police judge of the town of Bedford, in Trimble county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of Bedford," approved March fifth, one thousand eight hundred and fifty, and all amendments thereto, be, and the same is hereby, so amended as to give the police judge of said town the same jurisdiction in civil cases as justices of the peace now have, and that his jurisdiction shall extend to and embrace the whole of the Bedford magisterial district.

§ 2. Where the amount in controversy, exclusive of interest and costs, shall exceed fifty dollars, the same pleadings as is now required by law in justices' courts shall be required, and the summons shall be served ten days before the day of trial, and a State tax of fifty cents on each petition for a sum exceeding fifty dollars shall be collected by said police judge and accounted for in the same manner as justices of the peace are now required by law to account for such taxes.

§ 3. This act shall take effect and be in force from and after its passage.

Approved January 31, 1884.

CHAPTER 77.

AN ACT to prohibit the sale, giving away, or loaning of spirituous, vinous, or malt liquors within two and one half miles of the Ashland Coal and Iron Railway, between the west end of Means tunnel, in Carter county, and the east end of Eastham's tunnel, in Boyd county, or within two and a half miles of either of said tunnels.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for any person to sell, give, or loan any spirituous, vinous, or malt liquors, or mixture thereof, within two and one half miles of the Ashland Coal and Iron Railway, on either side thereof, between the west end of Means tunnel, in Carter county, and the east end of Eastham tunnel, in Boyd county, or within two and one

[half] miles of either of said tunnels in any direction. Any person violating this act shall be deemed guilty of keeping a tippling-house, and shall be subject to the pains and penalties imposed therefor: *Provided*, Any person may give a neighbor, when visiting his or her house, or a physician administer, when needed, a drink of either of said liquors, without being deemed to have violated this act.

§ 2. After the approval of this act no license shall be granted to any person to sell any spirituous, vinous, or malt liquors within the boundary specified in the first section of this act.

§ 3. This act shall take effect and be in force from its passage.

Approved January 31, 1884.

CHAPTER 78.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors in school district number eighteen, in Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell or vend any spirituous, vinous, or malt liquors, or a mixture of either, in any quantity, within school district number eighteen, in Hickman county.

§ 2. That any person violating the provisions of this act shall be subject to the penalties and punishments which are imposed by statute upon persons guilty of retailing and tippling.

§ 3. This act shall take effect from its passage.

Approved January 31, 1884.

CHAPTER 79.

AN ACT to prevent the sale of liquors within one mile of the Troy Presbyterian Church, in Woodford county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons to sell any spirituous, malt, or vinous liquors within one

mile of the Troy Presbyterian Church, in Woodford county, Kentucky; and any person or persons violating this act shall be fined not less than twenty-five (\$25) dollars, nor more than one hundred (\$100) dollars for each and every offense.

§ 2. This act shall take effect from and after February fifteenth, one thousand eight hundred and eighty-four.

Approved January 31, 1884.

CHAPTER 80.

AN ACT for the benefit of Carroll county.

WHEREAS, The county court of Carroll county, composed of the county judge and majority of the justices of said county, at the January term, one thousand eight hundred and eighty-four, of said court, determined to build a court-house, together with clerks' offices, with fire-proof vaults, and for that purpose made an appropriation of twenty thousand dollars: now, for the purpose of enabling them to raise funds sufficient to erect said buildings,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Carroll county, a majority of the justices in commission concurring, shall have power, and they are hereby authorized and empowered, to levy and collect an *ad valorem* tax on all the real and personal property of the county subject to State tax, not exceeding twenty cents on the one hundred dollars in any one year. Said tax shall be collected by the sheriff of Carroll county in the same manner and at the same time that the county levy is collected, and he shall be liable on his bond as sheriff for the faithful collection and disbursement of the money. Said tax, when collected, shall constitute a fund to pay said twenty thousand dollar appropriation, and shall be used for that purpose, and for that purpose only, and the sheriff shall receive four per cent. only for collecting said tax.

§ 2. It shall be the duty of the presiding judge of the said county to summons the justices to meet, as soon as practicable after the passage of this act, for the purpose of levying the tax herein specified for the year one thousand eight hun-

dred and eighty-four. Said tax shall be imposed for subsequent years by the justices of the court of claims for said county.

§ 3. That the said court be, and they are hereby, authorized to issue county orders, in sums not exceeding one thousand dollars each, the sum total of said orders not to exceed twenty thousand dollars.

§ 4. This act to take effect and be in force from its passage.

Approved January 31, 1884.

CHAPTER 81.

AN ACT to incorporate the Kentucky Mutual Security Fund Company, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William B. Hoke, Robert J. Breckinridge, Charles S. Clark, W. T. McCarley, and Edward Badger, their associates and successors, be, and they are hereby, created a body-politic and corporate, with perpetual succession, under the name and style of the Kentucky Mutual Security Fund Company; the object of said company being to provide financial aid to the widows, orphans, heirs, legatees, and assigns of deceased members; and under its said name the said company shall have power to sue and be sued, contract and be contracted with, and to hold such real estate and other property deemed necessary for its uses and purposes by its board of directors, not to exceed in value one million of dollars, and with power to dispose of the same; also to make and use a common seal, renewable and changeable at will; and by its said board to make such by-laws and regulations, not contrary to law, as may be deemed necessary and appropriate for carrying out the purposes of this act.

§ 2. The principal office of the said company shall be in the city of Louisville, in this State; and, upon the call of one or more of the said incorporators hereinbefore named, the said incorporators, or a majority of them, may meet and

organize the said company by electing therefor a board of five directors, who shall have the management and control of said company and its affairs; and shall of their own number elect, as principal officers of the said corporation, a president, vice president, secretary, and treasurer, the terms and emoluments of same to be fixed by the by-laws, such as may be enacted; and the said board may appoint such other officers and agents as it may deem necessary and proper for the transaction of the business of the said company. The said board shall decide upon all applications for membership, and for all claims for death benefits in said corporation. The said company shall have power, and are hereby authorized, to issue certificates of membership in sums of from one to ten thousand dollars, entitling the beneficiary named therein to receive such sum upon the death of a member as may be named in said certificate, the said amount to be collected by levying an assessment upon the entire membership in good standing at time of death of said member, as hereinafter provided; and said benefit shall be paid from the amount so collected, and no other fund or property of the company shall be liable for the same; but in no event shall the sum paid said beneficiary exceed the amount collected by one assessment upon all members in good standing at the date of the death of said member.

§ 3. There shall be three separate and distinct funds collected from the members of the said company, to be known as the "Mortuary or Assessment Fund," the "Security Fund," and the "Expense Fund." The mortuary fund shall be created by an assessment collected from each member, according to a graded rate of assessments to be fixed by the by-laws of said company, and in the mode and manner therein provided; and should there at any time be a deficit, the said company shall have the power to make a deficiency assessment, *pro rata*, on such members as are liable therefor by reason of the insufficiency of former assessments paid by them. The said fund shall be held sacred for, and shall only be applicable to, the payment of benefits accruing from death among the members of said association, for the taxes assessed against said fund, and of the

costs and expenses of suits in protecting said company against suspected fraudulent claims to such benefits; and the said mortuary fund shall, as collected, be deposited in such national or chartered State banks as may, from time to time, be selected by the said board of directors as the depository of said fund, and the said fund shall only be withdrawn, in whole or in part, upon checks signed by two of the principal officers of the said company. Should a surplus mortuary fund be created or accrue, the same shall be invested either in bonds of the United States or the State of Kentucky or the city of Louisville, or such other securities as insurance companies are allowed to invest in by law, to be held by such depository until required for the payment of claims against the said company, when the said company shall have power to withdraw and sell or dispose of said bonds, and to apply the proceeds to the payment of such claims.

§ 4. The security fund shall be created by an assessment upon the members, at the time, in the manner, and in the amount fixed by the by-laws, and shall be placed in the hands of trustees appointed by the board of directors (who shall be removable at the will of said board); and said trustees shall invest said fund, and hold the same for the protection and benefit of the persisting members, in the manner provided by said by-laws, and said fund shall be subject to no other use except that of the necessary expense of managing and protecting the same.

§ 5. The expense fund of the said company, in which fund the members shall have no interest, shall accrue from, and consist of, the membership fees and annual dues, collectable from the members in such sums, at such times, and in such manner, as shall be prescribed by the by-laws of said company. The amount of said annual dues shall be stated in the application for membership and in the certificate, and shall not be thereafter increased. All the expenses and claims upon or against the company except the death benefits, taxes, and costs and expenses specified in sections three and four of this act, shall be paid out of the said expense fund.

§ 6. Any member may, in his application for membership in said company, designate the beneficiary of the benefit to accrue on his death: *Provided*, Such beneficiary shall have an insurable interest in the life of the insured; and if the beneficiary so designated be other than himself, the benefit shall not be liable for any debt of such member.

§ 7. Every member who shall fail to pay his mortuary assessment, or annual dues, or to make his deposit to the security fund or any of them, as may be prescribed in the by-laws, shall forfeit membership in the said company, and in such case certificate of membership shall become null and void. All moneys paid on account of such membership shall be forfeited to the said company, and no benefit shall accrue or be payable to any person upon the death of such member.

§ 8. Benefits accruing on death among the members shall be payable at the office of the company, in Louisville, Kentucky, within ninety (90) days after the receipt of satisfactory proof of such death; and should payment of any such benefit be refused, an action or suit for the recovery thereof can only be commenced within twelve months next after such refusal.

§ 9. On or before the first Monday in January, in every year, it shall be the duty of the principal officers of said company to make a statement of the condition of its mortuary and security funds, showing the receipt and disbursment of the same, and the balance thereof remaining on hand for the fiscal year ending the thirty-first day of December next preceding, and to submit such statement to the Insurance Commissioner of this State. It shall be the duty of the commissioner to verify the same, and he shall be entitled therefor to a reasonable fee, not exceeding one hundred dollars per annum, to be paid by the said company. A printed copy of such statement shall be mailed to each member of the said company. If at any time the Commissioner of Insurance shall have cause to believe that the company is in any way violating its charter, he may make or cause to be made an examination of said company; and if he shall find that there is such a violation as in his judgment shall justify him

In so doing, he is hereby authorized to take such steps to annul this charter as are now required by law to annul the charters of insurance companies, according to the provision of the law establishing the Insurance Bureau.

§ 10. The said company being of a purely benevolent character, it shall not be subject to the laws of this State governing life insurance companies, except as herein provided.

§ 11. The secretary of said company shall have charge of the records, books, and collections thereof, and shall give bond to the company in such sums and with such surety as the board of directors shall determine: *Provided*, That the secretary and treasurer of this company shall be required to execute good and sufficient bond to secure the faithful application of the funds which may come to their respective hands, which bonds shall be approved by the judge of the circuit court of Jefferson county.

§ 12. The said company shall pay city, county, and State taxes on all real estate and other property owned by it, the same as private individuals.

§ 13. The tenure and terms of office in the said company, the mode of filling vacancies therein, the amount of benefits, mortuary assessments, membership fees, annual dues, and all other matters pertaining to the business and objects of the company, not inconsistent with or contrary to law, may be fixed in and regulated by the by-laws of the same.

§ 14. This company shall be, and is hereby, exempted from the payment of license fees of every kind except as provided for herein.

§ 15. None of the incorporators, officers, or members of the company shall be liable for its debts.

§ 16. This act shall take effect from and after its passage.

Approved February 2, 1884.

CHAPTER 82.

AN ACT to legalize and establish the adoption of the local option law in the London district, number one, Laurel county.

WHEREAS, On the third day of August, one thousand eight hundred and seventy-four, an election was held in the

London district, number one, in Laurel county, at which a vote was taken upon the question of the adoption of the local option law of Kentucky, approved twentieth-sixth January, one thousand eight hundred and seventy-four; at which election a majority of the votes cast were in favor of the adoption of said law, and the board of officers of said election so reported and filed their certificate with the poll-books; but by reason of the failure of the clerk of the county court to enter the certificate of the examining board on the records of said court, the Superior Court having lately decided that said local option law was not in force in said district under said election; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the law known as the local option law of Kentucky, approved twenty-sixth January, one thousand eight hundred and seventy-four, be, and the same is hereby, made of full force and effect in said London district in said county of Laurel, under said election, the same as if all requirements of the law had been complied with by said clerk of the county court.

§ 2. And this act is not to repeal or conflict with any of the provisions of an act approved April sixth, one thousand eight hundred and eighty, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors, or a mixture thereof, in the town of London, or within one mile of the boundary of said town."

§ 3. The foregoing act to take effect from its passage.

Approved February 5, 1884.

CHAPTER 83.

AN ACT to prohibit turnpike road companies in Carroll and Mason counties from collecting tolls on the Sabbath of persons attending public worship or Sabbath-school.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any of the turnpike road companies in Carroll and Mason counties to collect tolls from

any person on the Sabbath day who is traveling to or from public worship, or to or from Sabbath-school. Any company so offending shall, upon conviction, be fined in any sum not exceeding twenty-five dollars.

§ 2. This act to take effect from and after its passage.

Approved February 2, 1884.

CHAPTER 84.

AN ACT to prevent the sale of spirituous, vinous, or malt liquors in the town of McKinney's Station, in Lincoln county, or within two miles thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for any person or persons to sell any spirituous, vinous, or malt liquors in the town of McKinney, Lincoln county, or within two miles thereof.

§ 2. That for every violation of section one of this act, the penalty shall be as prescribed by the General Statutes for retailing without license or keeping a tippling-house.

§ 3. This act to take effect from and after its passage.

Approved February 2, 1884.

CHAPTER 85.

AN ACT giving J. C. Holloway, late sheriff of Lyon county, the further time of two years to collect taxes due him and to appoint deputies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. C. Holloway, late sheriff of Lyon county, is granted the further time of two years from the approval of this act to collect the uncollected taxes due him as such sheriff, with the same powers of distraint or garnishee for said taxes as sheriffs have under existing laws, and he shall be under the same penalties and liabilities as are now imposed by law for illegal distraint.

§ 2. Said Holloway may appoint such deputies to aid him in the collection of said taxes as he may desire, subject to the approval of the Lyon county court, who shall be quali-

fied and have the same powers and be subject to the same liabilities as deputy sheriffs under existing laws.

§ 3. This act shall take effect from its passage.

Approved February 2, 1884.

CHAPTER 86.

AN ACT regulating the trial of persons for a violation of the laws and ordinances of the town of Canton, in Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter all persons charged with a violation of the laws and ordinances of the town of Canton, in Trigg county, shall be tried for said offense before the police judge of said town, or justice of the peace residing within the corporate limits of said town.

§ 2. This act shall take effect from its passage.

Approved February 2, 1884.

CHAPTER 87.

AN ACT to authorize the board of trustees of Hartford to issue bonds to redeem outstanding bonds of the town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Hartford are hereby authorized to issue bonds of said town, with interest coupons attached, payable at such time and place as the board may direct; the bonds to be signed by the chairman and clerk of the board of trustees, and the coupons by the clerk, for the purpose of redeeming outstanding bonds of said town.

§ 2. No greater amount of bonds shall be issued than the amount of outstanding bonds, and none shall be issued as provided in section one unless the rate of interest thereon shall be less than the rate of interest on the outstanding bonds, and unless the new bonds issued shall be disposed of at par value in redeeming old bonds at par value.

§ 3. This act shall be in force from its passage.

Approved February 2, 1884.

CHAPTER 88.

AN ACT to incorporate the Nicholas County Building and Saving Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Nicholas County Building and Saving Association, organized in the city of Carlisle, Kentucky, by the adoption of a constitution and by-laws, and the election of W. O. Saunders, F. E. Congleton, Thomas Owens, W. W. Howard, G. W. Adair, T. J. Glenn, M. V. Bostain, M. J. Archdeacon, W. H. Fritz, L. M. Campbell, and M. Dills as a board of directors, which, from their own number pursuant to the provisions of their constitution, elected L. M. Campbell president, Thomas Owens vice president, Samuel K. Veach secretary, and F. E. Congleton treasurer, be, and the same is hereby, incorporated and created a body-corporate and politic; and by the name of the Nicholas County Building and Saving Association shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, in all the courts of this Commonwealth; of contracting and being contracted with; of having a common seal, and the same to make, break, or alter at pleasure; and of acquiring and holding real and personal estate by purchase, gift, devise, or otherwise, and the same to sell, mortgage, or dispose of at pleasure.

§ 2. The place of business of this association shall be at Carlisle, Nicholas county, Kentucky, and it shall, at all times, have and keep an office at said place for the transaction of business, and shall meet at said office for the payment of due and other necessary business at least once every week.

§ 3. The number of shares of stock shall not exceed two thousand shares, of one hundred dollars each, and no one person shall hold more than one hundred shares of stock in the association at one and the same time. The association shall have power to close a series and open new series at such times and in such manner as may be prescribed by the constitution.

§ 4. The association shall have power to make a constitution and by-laws, and to ordain such rules and regulations as may seem proper and necessary for the management of its affairs, and to alter and amend them at pleasure, but not to be contrary to the Constitution and laws of Kentucky or to this charter; and the constitution and by-law which have been adopted by the association shall remain the same until altered by the association in the manner prescribed.

§ 5. The financial and prudential affairs of the association shall be conducted by a board of eleven directors, all of whom shall be stockholders in the association. The eleven persons named as directors in the first section of this act shall constitute said board of directors, and they, and such persons as may be elected by them to fill any vacancy in their number, shall continue in office until the annual meeting, which shall be first held on the first Monday in February, one thousand eight hundred and eighty-four, at which time a new board of directors shall be elected; and an election shall be held at the annual meeting of the stockholders, which shall take place on the first Monday in February in each successive year during the existence of the association. Said board of directors shall elect from their own number a president and vice president, and the stockholders, from their own number, shall elect a secretary and treasurer, who shall be the executive officers of the association. The board of directors shall have power to fill any vacancies in the board; and they may appoint and employ such other officers and agents as they may, at any time, deem best.

§ 6. All elections shall be by ballot; and in all elections of the board of directors, and all business transactions of this association, each stockholder shall be entitled to one vote and no more.

§ 7. Before entering upon their respective offices, the secretary and treasurer shall each give bond to the association, with personal security, to be approved by the board of directors, conditioned that he shall well and truly discharge the duties of his office, and that he will safely keep and pay over to the association and its members all money

and other property which may come to his hands as secretary or treasurer when lawfully required to do so.

§ 8. Said association shall have power to assess and collect, at such times and upon such terms as they may deem expedient, any contributions, dues, and fines upon its members as they may deem necessary and proper to carry out the objects of the association.

§ 9. No authority or privilege is hereby conferred upon this association to loan money at a higher rate of interest than six per cent. per annum; and the fines which may be assessed against any of its members, for failure in the prompt payment of dues and assessments, shall only be for such moderate amounts as shall be calculated and intended to secure promptness in payments and a just and equitable charge upon delinquents, but not to an amount which shall violate the spirit of the usury laws of this Commonwealth; and all such fines shall be appropriated toward the payment of the current expenses of the association.

§ 10. The money of the association shall be invested in loans secured by mortgage upon real estate situated in Nicholas county, Kentucky: *Provided*, That the association may, by a provision in its constitution, invest the board of directors with power to loan money upon mortgage on real property in any county contiguous to Nicholas county; but no money shall be loaned outside of the association, except when no share-holder is an applicant therefor.

§ 11. In addition to the mortgage lien or security which may be given by a stockholder to secure any loan which may be made, or any indebtedness which may be created, a first lien is given to the association upon the interest and stock of such share-holder in said association to secure the association in said loan or indebtedness; and whereas, it is one of the chief objects of this association to enable persons of limited means to secure homesteads for themselves and their families, it is hereby enacted, that any accumulations, not exceeding one thousand dollars in amount by any stockholder in the funds of this association, may be held and regarded as a homestead right, and shall be exempt

from seizure or sale under execution, attachment, or judgment of any court, according to the provisions of an act to exempt homesteads from sale for debt, approved February tenth, one thousand eight hundred and sixty-six; and such homestead rights shall be in lieu of the exemption granted by said act; but such exemption shall not affect the liens of this association.

§ 12. The object of this association is to enable the owner of its shares of stock to aggregate their weekly savings into a common fund, and to loan the same at interest. 2d. To enable its share-holders to obtain loans of money upon mortgage without being required to give personal security. 3d. To enable the association to erect for its share-holders comfortable and healthful homes, and to permit the share-holders to pay for the same in weekly installments.

§ 13. The association shall, by provision in its constitution, prescribe the amount of weekly installments to be paid by the share-holders upon each share of stock held by them, and the times and manner of paying the same.

§ 14. Married women may become share-holders in the association; and the shares *bona fide* held and paid for by them, out of their own property or money, or out of their own earnings, shall not be liable in law or equity to the debts of their husbands, and shall be the separate estate of said married women, and shall be held by them free from the control of their husbands. The association may have and assert against the shares so held the same lien as against other shares, and by the same proceedings as against *femes sole*.

§ 15. Infants may become share-holders in the association, and the shares *bona fide* held and paid for by them out of their money or property, or out of their earnings, shall be their own property, and shall be held by them free from the debts or control of their parents or guardians, except that the parent or guardian may, in writing, require the association to hold and not pay over to the infant any part of his share or shares until after the marriage or majority of the infant. The association shall preserve all such writings as a

part of its records, and shall have them at all reasonable times open to the inspection of all persons whomsoever.

§ 16. The association may compel the payment of the weekly and monthly assessments upon the shares of stock, the interest upon loans, and the due observance of the constitution and by-laws of the association, by the levy of such fines and penalties as may by the constitution or by-law be prescribed, and the same may be collected as debts of like amounts are now collectable under the laws of this Commonwealth, when not otherwise provided herein.

§ 17. Whenever the unpaid fines assessed against the stock of defaulting members shall equal the amount paid in, and the earned profits of the shares of such defaulting members, then the association may apply the amounts so paid in satisfaction of said fines, and may cancel said shares, and require the return of the stock certificate therefor to the association, and may erase the member's name from the constitution.

§ 18. Transfers of stock shall not be valid, except as between the parties thereto, until the same are regularly entered upon the books of the company, so as to show the name of the person by whom and to whom the transfer has been made, the numbers or other designations of the shares, and the date of the transfer. A regular transfer book, plainly showing all these things, shall be kept by the association as part of its records.

§ 19. The association shall provide in its constitution for the purchase and cancellation by the association of the stock of such members as may desire to withdraw from the association; and no member will be permitted to withdraw from the association except upon the terms and in the manner prescribed by the constitution.

§ 20. The indebtedness of the association shall at no time exceed the amount of one half the capital stock paid in; and the private property of the stockholders shall not be liable for any of the corporate debts.

§ 21. All the acts of the association heretofore done, not inconsistent with the constitution and laws of this Commonwealth, are hereby ratified and made binding.

§ 22. This act shall take effect from and after its passage.

Approved February 5, 1884.

CHAPTER 89.

AN ACT to authorize the county court of Whitley county to levy taxes and issue bonds and raise money to build a court-house and jail, and purchase a site for the latter, in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That to raise money to build a court-house and jail, including the purchase of a site for the jail, and to pay the interest and principal of any debt contracted for said purpose, the county court of said county be, and is hereby, authorized to levy an ad valorem tax, not to exceed twenty-five cents to the hundred dollars on all property subject to State revenue, and one dollar on the tithables of the county, in addition to the taxes now allowed for such purposes by section six, chapter eighty-nine, of the General Statutes, for each and every year such taxes may be necessary.

§ 2. That said court may cause the bonds of the county, not to exceed the aggregate sum of twenty thousand dollars, of such denomination as the court may choose, not less than one hundred dollars each, to be executed (in printed form), under the seal of the county, signed by the presiding judge of the court, and countersigned by the clerk, payable not under two years and within ten years from date, with annual coupons at a rate not exceeding six per cent. per annum, and to be sold for the said purpose of raising money to build a court-house and jail and to purchase a site for the latter.

§ 3. That C. W. Lester, G. A. Denham, and John W. Siler, jr., who have been appointed as a building committee for said court-house and jail by the county court of said Whitley county, shall superintend the selling and disposing of said bonds for the purpose herein mentioned, under such orders as the said county court may prescribe, a majority of the justices of said county being present and voting upon any question concerning the building of said court-house and jail, the purchasing of a site for the latter, and any disposition of the bonds; and the said C. W. Lester, G. A. Denham, and John W. Siler, jr., and the said county judge and clerk, shall receive no pay for their services in disposing of said bonds and signing and countersigning the same, nor for putting the seal of the county court upon the bonds.

§ 4. That the sheriff or collector of taxes of Whitley county and their sureties shall be responsible on their bonds for the collection of taxes herein authorized, in the manner they are responsible for the ordinary county levy; shall have and exercise the same powers in the collection thereof as are conferred for collecting the county and State taxes; and shall, under the same penalties, pay over to whom the said court may direct to receive same, and at such times as the court may require.

§ 5. That each and every act of the said county court herein authorized shall be done by an order entered on its records, a majority of all the justices of the county being present and concurring.

§ 6. This act to take effect from its passage.

Approved February 5, 1884.

CHAPTER 90.

AN ACT for the benefit of the personal representative of T. W. Pickering, late sheriff of Caldwell county.

WHEREAS, T. W. Pickering, late sheriff of Caldwell county, has died since his term of office expired, leaving due him from the people of said county taxes which he had accounted for on account of State revenue, railroad tax, and county levy, for years one thousand eight hundred and seventy-five, one thousand eight hundred and seventy-six, one thousand eight hundred and seventy-seven, and one thousand eight hundred and seventy-eight; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the personal representative of said T. W. Pickering shall have the further time of two years, from and after the passage of this act, to levy, distrain for, and collect said tax, and he and his sureties shall be liable for any wrongful act in so doing.

§ 2. That on motion of such personal representative, the county court may appoint a suitable person assistant to said personal representative in levying, distraining for, and collecting said tax, who shall have same power in levying, dis-

training for, and collecting same that a deputy sheriff would have had during the term of office of the sheriff. The assistant shall take the oaths of office before proceeding to discharge his duties, and the said personal representative and his sureties shall be responsible for all his acts in reference to said tax.

§ 3. This act shall be in force from its passage.

Approved February 5, 1884.

CHAPTER 91.

AN ACT to repeal an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in the town of Dixon, in Webster county, or within one mile thereof."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors within the corporate limits of the town of Dixon, in Webster county, or within one mile thereof," approved April sixth, one thousand eight hundred and eighty-two, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage : *Provided, however,* This law is not to take effect until approved by a majority of the legal voters of said town voting at an election, to be held at the court-house in the town of Dixon on the first day of March, one thousand eight hundred and eighty-four, the time and place of the election to be advertised by the county judge for at least ten days previous to the election. The officers to hold said election are to be appointed by the county judge, and make their return of the vote to him and county court clerk, which shall be entered upon the records of said office.

Approved February 5, 1884.

CHAPTER 92.

AN ACT to incorporate the Rolling Fork of Salt River Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George Bell, A. J. Miller, Miles Hagan, Jefferson Potinger, Luther Taylor, and William Brown, their successors and assigns, are hereby created a body-politic and corporate, by the name of the Rolling Fork of Salt River Bridge Company; and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; and may have a common seal, and alter same at pleasure; and it shall have all other lawful powers usual and incident to corporations, and which may be requisite to carry out the objects for which it is created.

§ 2. Said company is hereby authorized and empowered to construct a bridge across the Rolling Fork of Salt River, at Bell's Ford, or between there and Rolling Fork Church, of such style, pattern, or material as the company may judge best suited to the purpose; and said company shall have the right to acquire title to such lands as may be necessary for the construction of said bridge, and for that purpose shall have the right to condemn any land necessary for its use, and the proceedings for that purpose shall be in all respects as is now provided by law for condemning land in opening roads: *Provided*, That the provisions of chapter ninety-four of the General Statutes, relative to constructing bridges or causeways, shall not be applicable in the construction of any bridge under this charter.

§ 3. The capital stock of the company shall be divided into shares of one hundred dollars each, and may consist of any number of shares, not exceeding two hundred, that may be decided upon by the board of directors of the company, and may be subscribed for by individuals or corporations. The stockholders shall, once in every year, elect five directors; and when so elected, shall elect of their board a president, treasurer, and secretary of the company, who shall continue in office until their successors are elected

and qualified; and the president and board of directors may adopt by-laws, in which they shall provide for the transfer of stock and the form of proxies to vote the same at stockholders' meeting, and mode of calling meetings of stockholders, and the manner of transacting business at such meetings; and said board of directors shall have the management, government, and control of the property and affairs of the company. Upon the subscription of three-fifths of the stock fixed upon by the company as the capital stock of the company, the organization may be completed and work commenced.

§ 4. The tolls charged by said bridge company shall be the same as those now established by law for turnpike roads, with gates five miles apart. The provisions of chapter one hundred and ten of the General Statutes regulating tolls shall be applicable to the tolls charged and collected by the company.

§ 5. The right of the General Assembly to repeal or amend this charter is hereby expressly reserved.

§ 6. That the fiscal courts of Larue, Marion, and Nelson counties may, in their discretion, respectively take stock in said bridge company, provided the amount of stock taken by one county shall not exceed two thousand dollars.

§ 7. This act shall take effect from its passage.

Approved February 5, 1884.

CHAPTER 93.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors in the town of Wadesboro.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sale of spirituous, vinous, or malt liquors in the town of Wadesboro, situated on the line between Calloway and Marshall counties, or within one mile of said town in either county, is hereby declared unlawful.

§ 2. That any person or persons who shall be guilty of violating this act, by selling any such liquors within said limits, shall, upon conviction thereof, be fined in any sum

of not less than twenty nor more than fifty dollars for each offense, to be recovered by any court of competent jurisdiction where the offense is committed.

§ 3. That all sums collected as penalties under this act shall be added to and become part of the school fund for said town.

§ 4. This act shall take effect from and after its passage.

Approved February 5, 1884.

CHAPTER 94.

AN ACT for the benefit of John W. Clark, administrator of Joseph W. Oliver, deceased, late sheriff of Lyon county.

WHEREAS, Joseph W. Oliver, who died in December, one thousand eight hundred and eighty-three, was sheriff of Lyon county for the years one thousand eight hundred and eighty-one, one thousand eight hundred and eighty-two, and one thousand eight hundred and eighty-three, and there are considerable sums due and owing his estate in fees as such sheriff; and whereas, he was, for the years one thousand eight hundred and eighty-one, and one thousand eight hundred and eighty-two, as such sheriff, collector of the taxes in said county, consisting in one thousand eight hundred and eighty-one, of the State revenue tax, a poll tax of one dollar and fifty cents on each tithable, and a tax of ten cents upon each one hundred dollars' worth of taxable property in said county, for the support of paupers, and in one thousand eight hundred and eighty-two, of the State revenue tax, a poll tax of three dollars upon each tithable, and an ad valorem pauper tax of twenty cents upon each one hundred dollars' worth of taxable property in said county; and whereas, said Oliver paid to the Auditor the full amount of said State revenue tax for one thousand eight hundred and eighty-one and one thousand eight hundred and eighty-two, and has paid to the persons entitled to same a very large proportion of said poll and pauper tax; and whereas, a large part of said taxes are still uncollected, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John W. Clark, administrator of the estate of Joseph W. Oliver, deceased, late sheriff of Lyon county, shall have the same authority and powers for two years, after the passage of this act, to collect said taxes for the years one thousand eight hundred and eighty-one and one thousand eight hundred and eighty-two, and said fees for the years one thousand eight hundred and eighty-one, and one thousand eight hundred and eighty-two, and one thousand eight hundred and eighty-three, by distraint, attachment, or other process, as sheriffs now have by law, and shall receive the same fees and commissions therefor, and said administrator shall be under the same responsibilities and penalties as fixed by law as said sheriff would have been if living.

§ 2. That after said administrator has given ten days' notice of the passage of this act, by three or more printed notices posted at public places in each voting precinct in said county, and at court-house door in Eddyville, he may place the said taxes and fees, or any part thereof mentioned in section one of this act, in the hands of any sheriff, coroner, constable, or other collecting officer in said county, or any other county in this State, who shall have the same authority and powers to distrain for same as given in section one, and shall be under the same responsibilities and penalties as fixed by law as said sheriff would have been if living; and such officer shall be entitled to receive and collect, for their services in collecting said taxes and fees, the same fees and commission as now allowed by law for similar services, and to be paid in same way.

§ 3. The money collected by said administrator upon said poll and pauper taxes shall be applied to the purposes for which said taxes were levied, in the same manner said sheriff would have been compelled to do if living.

§ 4. This act shall take effect from its passage.

Approved February 5, 1884.

CHAPTER 95.

AN ACT for the benefit of F. F. Nesbit, late constable elect of second district, Gallatin county.

WHEREAS, F. F. Nesbit was, at the regular August election, one thousand eight hundred and eighty-three, duly elected to the office of constable of Gallatin county by the qualified voters of the second district of said county, and that his election to said office was duly certified by the officers of said election, but that he failed to qualify by taking the office and entering into bond as required by law, and within the time provided by law, and said office not having been declared vacant, and no one having since that time been appointed or elected to fill said office; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time until the first day of April, one thousand eight hundred and eighty-four, be given him in which to take the oath of office and enter into bond, as required by law.

§ 2. This act shall take effect and be in force from its passage.

Approved February 5, 1884.

CHAPTER 96.

AN ACT to authorize the county court of Shelby county to purchase bonds issued by Shelby county in aid of the Cumberland and Ohio Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Shelby county be, and it is hereby, authorized to purchase such part of the bonds issued by said county under the authority of an act, entitled "An act to incorporate the Cumberland and Ohio Railroad Company," and the amendments thereto, as it may from time to time desire; and when so purchased, to retire and cancel same; and for this purpose said county court may, by an order entered upon its records, authorize the treasurer of the sinking fund of said county to purchase said

bonds whenever there may be a surplus in the treasury, and at such prices as may [be] agreed on with the holders or owners thereof.

§ 2. This act shall be in force from its passage.

Approved February 5, 1884.

CHAPTER 97.

AN ACT to amend an act, entitled "An act to prohibit the sale, barter, or gift of spirituous, vinous, or malt liquors, or a mixture thereof, in common school district number sixty-nine, in Grayson county," approved April eighth, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to prohibit the sale, barter, or gift of spirituous, vinous, or malt liquors, or the mixture of either, in common school district number sixty-nine, in Grayson county," approved April eighth, one thousand eight hundred and eighty-two, be, and the same is hereby, amended by striking out and repealing the thirteenth and fourteenth words of section one of said act.

§ 2. This act shall take effect from and after its passage.

Approved February 5, 1884.

CHAPTER 98.

AN ACT to repeal an act, entitled "An act to establish an institution of learning at Stewartsville, in Grant county," approved April twenty-second, one thousand eight hundred and eighty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to establish an institution of learning at Stewartsville, in Grant county," approved April twenty-second, one thousand eight hundred and eighty, be, and the same is hereby, repealed.

§ 2. This act to take effect from and after its passage.

Approved February 5, 1884.

CHAPTER 99.

AN ACT to authorize the Carroll county court to appropriate the surplus jail and twenty-cent tax fund.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Carroll county court, a majority of the justices of the peace concurring therein, are hereby authorized and empowered to use any surplus now in the hands of the treasurer of Carroll county, known as the jail and twenty-cent tax fund, in the payment of any county orders now outstanding, due and unpaid or for any purpose that will be to the best interests of the county.

§ 2. This act to be in force from its passage.

Approved February 5, 1884.

CHAPTER 100.

AN ACT to amend an act, entitled "An act to incorporate the Mt. Sterling and Carter County Mining and Manufacturing Company," approved April twenty-three, one thousand eight hundred and seventy-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate name of the Mt. Sterling and Carter County Mining and Manufacturing Company be, and the same is hereby, changed to, and said company will hereafter be known by, Mary Coal Company; and all certificates of stock heretofore issued by said company, or other transactions or contracts with said company, shall be valid and binding in all respects for or against said corporation under its name as altered by this act.

§ 2. That two directors and the president of said company shall constitute a quorum for the transaction of business for said company.

§ 3. That this act take effect from its passage.

Approved February 5, 1884.

LAWS OF KENTUCKY.

CHAPTER 101.

AN ACT authorizing the county court of Bourbon to erect and maintain scales upon the public square of Paris.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The county court of Bourbon county, a majority of the justices being present and concurring therein, may purchase and erect, and keep in repair, upon the public square in the city of Paris, a pair of Fairbanks or other standard scales, upon which all the citizens of the county or others may have their produce and stock weighed.

§ 2. The county judge is empowered to appoint, by order of court, a weigher for said scales, upon such terms as may be agreed; and may remove him at pleasure and appoint another. It shall be the duty of said weigher to weigh all goods, produce, and stock, when called upon, and for each draft he may charge the person for whom he weighs the amount authorized by his contract with the county judge, not exceeding, however, twenty-five cents for each draft.

§ 3. In case of the absence of the weigher from the county, the county judge shall fill his place by appointing another to act in his stead until his return; but the weigher may designate a deputy to act for him when away from his office or place of business temporarily, and not out of the county.

§ 4. This act shall take effect from and after its passage.

Approved February 5, 1884.

CHAPTER 102.

AN ACT to incorporate the Woodbine and Cumberland Valley Telephone and Telegraph Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joseph Owens, M. W. Venable, Jno. A. Owens, Jno. M. Conant, and John Brogan, and their associates, successors, and assigns, be, and they are hereby, created a body-corporate and politic, under the name of the Woodbine and

Cumberland Valley Telephone and Telegraph Company, with power under such name to contract and be contracted with, sue and be sued; to have perpetual succession and a common seal, and such other powers as herein granted.

§ 2. The said company shall have power and authority to construct, maintain, and operate a telephone or telegraph line, or both, from the village of Woodbine, in Whitley county, to Pineville, in Bell county.

§ 3. Said company may acquire rights of way for said lines in the same manner as now provided by law of this Commonwealth for the acquisition of rights of way by turnpike road companies.

§ 4. Said company may fix the rate of charges for the transmission of messages over said lines, and may build branch lines from said main lines.

§ 5. The capital stock of said company shall be five thousand dollars, to be divided into shares of ten dollars each.

§ 6. The business of said company shall be managed by a board of five directors, to be chosen annually by a vote of the stockholders, at which election each share shall be entitled to a vote.

§ 7. The board of directors shall choose one of their number president, whose duties shall be those incident to that office. They shall have power to appoint a treasurer and such other agents as they may deem necessary for the interests of the business, and may pay them such compensation as they may deem reasonable; said company may acquire and hold all property necessary to enable them to carry out the purposes and provisions of this act.

§ 8. Said company may organize and begin construction of said main lines, when five hundred dollars of the capital stock shall have been subscribed and paid in. Each of said incorporators are authorized to solicit and take subscriptions of stock to said company; when five hundred dollars in stock shall have been subscribed, then the incorporators shall call a meeting of the stockholders, at which time a board of directors shall be elected to serve till the first regular election, and until their successors are elected and qualified.

§ 9. Said company may, by its board of directors, make all by-laws, rules and regulations, necessary for the proper carrying out the provisions of this act, not inconsistent with the constitution and laws of this State or the United States.

§ 10. The private property of stockholders in this company shall not be subject to nor in any way liable for the debts of the company.

§ 11. No person not a stockholder in said company shall hold any office therein, nor shall any stockholder who has not paid all calls made by the president and board of directors on stock subscribed or held by him, vote at any election or in any matter. And all officers appointed by said board of directors may be removed at their pleasure.

§ 12. Two members of the board of directors and the president, or three without the president, shall constitute a quorum for transaction of business.

§ 13. This act shall take effect from its passage.

Approved February 5, 1884.

CHAPTER 103.

AN ACT to incorporate Oldham Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established a bank in the town of Lagrange, in Oldham county, Kentucky, with a capital of one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns shall be a body-politic and corporate, by the name and style of Oldham Bank, and may so continue for thirty years from its organization; but the board of directors of said bank are authorized and empowered to wind up its affairs whenever the owners of two-thirds of the stock determine that the interest of the company requires its discontinuance; and to effect this the board shall have all powers necessary to wind up and liquidate the affairs of said bank upon equitable principles.

§ 2. Said corporation shall have all the privileges of a natural person in contracting and being contracted with, in suing and being sued, in all places and courts whatever; and may have and use a common seal, and change the same at pleasure.

§ 3. The said bank shall be under the control of not less than five nor more than nine directors, each of whom shall be a stockholder, and a majority of whom at all times shall be residents of Oldham county; and after the first election they shall be chosen on the second Tuesday in January of each year, or if not on that day, from any cause, then as soon thereafter as convenient, and shall hold their offices until their successors are elected and qualified. They shall appoint one of their number president, and may, if they think best and necessary, at any time appoint also from their number a vice president, who shall hold their positions at the pleasure of the board of directors. The board shall hold regular meetings at such time as they may fix upon, and such called meetings as they may deem necessary. In case of death, resignation, or removal of any director or officer, the vacancy shall be filled by the board of directors. The board shall have power to receive subscriptions for so many of the shares of the capital stock remaining unsold as they may at any time decide to sell; shall declare dividends, appoint such officers, agents, or servants as they think necessary to conduct the business of the bank, and pay them such wages or salaries for their services, and take from them such bonds to secure the faithful performance of their duties as they may think proper; shall prescribe such rules as they may think best for the transfer of the stock on the books of the bank by the stockholders, or by an attorney; the stock shall be personal property.

§ 4. S. E. DeHaven, P. S. Head, J. S. Buckner, J. E. Vincent, W. W. Taylor, Jos. Sauer, and D. H. French, are hereby appointed commissioners, any three of whom may act, and may open books of subscription to the capital stock of the corporation; and when shares to the amount of twenty-five thousand dollars shall have been subscribed, it shall be the duty of said commissioners to give notice in one or more

newspapers and appoint a day for the election of a board of directors, who shall hold their offices until their successors are elected and qualified. The payment for the shares subscribed shall be made in such installments, or at such time as the board of directors may order; and when fifteen thousand dollars shall have been paid in, the bank may begin business.

§ 5. The bank may receive deposits of gold, silver, bullion, currency, or anything lawfully circulating as money, and repay the same in such manner, at such times; and with such interest, not to exceed the rate fixed by law, as may be agreed upon with the depositors by special or general contract. It may borrow or lend money, buy or sell checks, drafts, bills of exchange, promissory notes, uncurrent money, bonds, stocks, mortgages, and other evidences of debt, and do a general banking business; may take personal or other securities for the payment of obligations, and dispose of the latter in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March sixteenth, one thousand eight hundred and seventy-one; and such disposition shall pass a valid title to the same; may receive deposits from minors and married women, and their checks, receipts, or acquittances shall be valid. All promissory notes and bills made negotiable and payable at the banking-house of said corporation, or at any other banking-house, may be discounted by it, and they are hereby placed upon the footing of foreign bills of exchange, and like remedy as upon such bills may be had thereon, jointly and severally, against the drawers, acceptors, and indorsers thereof.

§ 6. The bank may acquire, hold, and use all such real estate, goods and chattels as may be convenient for the transaction of its business, or which may be conveyed to it as surety, or in satisfaction of any debt, judgment, or decree, and may sell and convey the same at pleasure. The board of directors may make all needful by-laws for the government of said bank, not inconsistent with law.

§ 7. It shall be the duty of the president or cashier of the bank to cause to be paid into the treasury of this Common-

wealth, during the first week in each year, fifty cents on each one hundred dollars' worth of stock subscribed, which sum shall be in lieu of all other taxes or bonus.

§ 8. The private property of stockholders shall not be liable for the debts of the corporation, and the indebtedness of the bank, other than for general deposits, shall at no time exceed the amount of its paid-up capital.

§ 9. Before entering upon their duties the president, directors, and other officers of the bank, shall take an oath before some justice of the peace, notary public, or police judge, to faithfully and honestly discharge all the duties incumbent upon them under this charter, and that they will not sanction or permit any violation of it, and should any occur, will at once report the same to the Attorney General of this Commonwealth.

§ 10. Nothing in this charter shall be construed to allow the bank to issue any note or bill to pass or circulate as money.

§ 11. The General Assembly shall have the right to examine the affairs of the bank by a committee appointed for that purpose, and reserves the right to alter, amend, or repeal this charter at pleasure.

§ 12. This act shall take effect and be in force from and after its passage.

Approved February 5, 1884.

CHAPTER 104.

AN ACT to amend an act, entitled "An act to prevent the sale of spirituous, vinous, and malt liquors within a radius of three miles of Berea College, in the county of Madison."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter one thousand and thirty-five of the acts of one thousand eight hundred and eighty one, approved April fifteenth, one thousand eight hundred and eighty-two, be, and the same is hereby, amended by inserting the word "or" after the word "vend," and before

the word "exchange," in the first section of said act, and by striking out the words "or give to" in the same section.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 15, 1884.

CHAPTER 105.

AN ACT to amend an act, entitled "An act to incorporate the Ohio River Water-Works Company," approved March second, one thousand eight hundred and eighty two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to the powers and privileges conferred in its act of incorporation, the Ohio River Water-Works Company may acquire, by purchase or lease, any water-works, reservoirs, aqueducts, machinery, and pipes, and the real estate used in connection therewith, which may belong to any municipal or other corporation, company or individuals, upon such terms and conditions as may be agreed upon between said Ohio River Water-Works Company and said municipal or other corporation, company, or individuals owning the same; and it shall be lawful for any municipal or other corporation, company, or individual owning any water-works, reservoirs, aqueducts, machinery, or pipes, to sell or lease the same, together with the real estate used in connection therewith (streets and public ways excepted), to said Ohio River Water-Works Company, upon such terms and conditions as may be agreed upon.

§ 2. Said company shall have the same power and right to contract for supplying water to any municipal or other corporation, company, or person located or residing without the State of Kentucky, that it now has to contract with any municipal or other corporation, company, or person within this State; and for the purpose of furnishing a supply of water, under the provisions of its original act of incorporation, or this amendment, said company may construct and maintain aqueducts over or tunnels under any river or

stream of water within or bordering upon this State: *Provided*, That no permanent aqueduct or tunnel, so constructed, shall interrupt or impair the navigation of such streams as are naturally navigable, or as have been declared so by law.

§ 3. This act shall take effect from and after its passage.

Approved February 5, 1884.

CHAPTER 106.

AN ACT to authorize the county court of Crittenden county to sell the present poor farm.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Crittenden county, consisting of the county judge and justices of the peace of said county, be, and it is hereby, authorized and empowered to sell, and by commissioner appointed for that purpose to convey to the purchaser, the present poor farm of said county. The proceeds of such sale shall be invested or expended for the benefit of said county as the said court may direct.

§ 2. This act shall take effect from and after its passage.

Approved February 5, 1884.

CHAPTER 107.

AN ACT to incorporate the Fulton Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a savings and deposit bank in Fulton, Fulton county, Kentucky, with a capital of two hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter provided; and the subscribers to said stock, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of Fulton Bank, and shall so continue for fifty years from the date of its organization, unless sooner dissolved by a majority in interest of the stockholders therein; and shall have, and may exercise,

Capital.

Name.

all the rights and privileges of a natural person in contracting and being contracted with, and as such may sue and be sued, and plead, answer, and defend in any court or place whatever; and may have and use a common seal, and change the same at pleasure.

§ 2. Said bank shall be under the control and management of a board of seven directors, who shall be stockholders, and shall hold their offices until their successors are elected and have qualified; and after the first election under this charter, they shall be elected annually on the first Monday in January of each year, or as soon as practicable thereafter; and, in case of a vacancy, for any cause, the remaining directors may fill the same with other stockholders; they shall elect one of their number president; they shall have power to sell any of the stock not subscribed for; to declare dividends arising out of the profits of the business of said bank; to appoint such officers, agents, and employes as may be necessary to properly conduct the business of said bank, and pay them for their services; and may take such bonds from the president, cashier, or other employes of said bank, as they may deem necessary to insure a faithful performance of their respective duties; and may make and enforce such by-laws as may be necessary for the proper management and control of the affairs of said bank: *Provided*, The same be not inconsistent with the constitution or laws of this State or of the United States.

How managed. Election — when held. Vacancy — how filled. Officers to give bond.

§ 3. That Geo. W. Martin, W. W. Meadows, J. P. Tyler, Dr. F. M. Usher, Peter W. Mott, E. B. Eddings, and I. W. Boyd, are hereby constituted and appointed a board of directors for said bank, to hold office as such until their successors are elected and have qualified; and they may fill any vacancy occurring in their number, and shall provide for an election of directors by the stockholders on the first Monday in March, one thousand eight hundred and eighty-four. The directors aforesaid shall cause the cashier to give due and proper notice to all the stockholders, by publication in some newspaper printed in Fulton, or by written or printed notices through the mails, of the proposed time and manner of holding said first election, at which every stockholder

Board of directors.

shall be entitled to cast one vote, in person or by proxy, for each share of stock owned by him, and on which he has paid in full all the called installments due at the date of said election.

§ 4. The board of directors, as named in section three of this act, may appoint one or more of their number to open books and take subscriptions to the capital stock of said bank, and to receive and hold in trust, for the use and benefit of the subscribers, any sums, not less than five dollars per share, that may be paid in by any subscriber, at or after the time of making said subscription, and before the organization of the bank; and as soon as five shares of said stock shall have been subscribed for, they may organize said bank by electing a president and appointing a cashier; and may begin business as soon as seventy-five hundred dollars of the capital has been paid in: *Provided*, That the cashier shall first go before the county judge, or some justice of the peace, clerk of a court of record, or notary public, and make and subscribe to an oath (or affirmation) that said seventy-five hundred dollars of capital has actually been subscribed and paid in.

Power of the board.

§ 5. After the organization of said bank, the calls for payments of installments on the subscriptions of stock shall not at any one time exceed ten dollars per share, nor be made oftener than one call per month, and at least ten days' notice shall be given each subscriber of the time such installment will be due; and any share of stock, on which any called installment is at any time thirty days overdue, may be declared forfeited by the board of directors, after ten days' notice, in writing, to the owner thereof, of their intention to forfeit same, provided the same still remains unpaid. All shares of stock so forfeited by the board shall be sold at public auction, after notice to pay, first, all such due or overdue installments to the bank, and the expenses of making the sale, and the remainder, if any, shall be placed to the credit of the stockholder on the books of the bank, and notice shall be given him of the amount thereof.

Assessments limited.

§ 6. The stock in said bank shall be deemed personal property, and shall be transferable only on the books of

Stock personal property.

the bank by the stockholders, his agent or attorney, under such rules and regulations as the directors shall from time to time establish; and every stockholder shall be individually liable to the creditors of the bank for the full amount of the unpaid stock subscribed for and owned by him.

§ 7. Said bank, when organized, may receive deposits of gold and silver coin, bank notes, and all other notes which may be lawfully circulated as money, and repay the same in such manner and at such times as may be agreed on with the depositor by general or special contract; may transact a general banking business; loan money, discount paper, buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, and other evidences of debt; take personal, collateral, or other security for the payment of same, and dispose of such stocks, bonds, and securities in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March sixteenth, one thousand eight hundred and seventy-one.

§ 8. Said bank may acquire, hold, and use such real estate, goods and chattels, as may be necessary and convenient for the transaction of its business, or which may be conveyed to it as security for, or purchased in satisfaction of, any debt, judgment, or decree, and may sell and convey the same; and may buy its own stock in satisfaction of any such debt, judgment, or decree, but must resell the same as soon as practicable.

§ 9. Said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women shall be valid and binding.

§ 10. It shall be the duty of the cashier of said bank to pay, or cause to be paid, to the Auditor of State, on or before the tenth day of January of each year, after the organization of said bank, fifty cents on each one hundred dollars of paid-up capital stock in said bank, shall be in lieu and in full of all tax or bonus.

§ 11. The president, cashier, directors, and other officers of said bank, before entering on the discharge of their respective duties, shall each take an oath (or affirmation)

Before the county judge or some justice of the peace, clerk of a court of records, or notary public, faithfully and to the best of their skill and ability and judgment to discharge all the duties of their respective offices or stations under this charter, or which may be required of them by the by-laws, rules and regulations, of the corporation; and that they will not sanction or permit the violation of any of the provisions of this charter during their continuance in office.

§ 12. The Legislature reserves the right to amend, alter, or repeal this charter at pleasure.

§ 13. This shall take effect from and after its passage.

Approved February 5, 1884.

CHAPTER 108.

AN ACT authorizing the Floyd county court to levy a poll and ad valorem tax to pay for public buildings in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Floyd county, a majority of the justices in commission being present, are hereby empowered and directed to levy an ad valorem tax, of not exceeding twenty-five cents upon each one hundred dollars' worth of taxable property, and a poll-tax of not more than one dollar upon each tithe of said county; to be levied annually until a sufficient amount is raised to pay for the public buildings already erected and to be erected for said county at the county seat thereof.

§ 2. It shall be the duty of sheriff of Floyd county to collect the taxes levied under the provisions of this act by the said county court; but before proceeding to collect said taxes he must execute the county levy bond as now required by the laws of this Commonwealth, and he and his sureties thereon shall be responsible for all taxes collected by him under the provisions of this act, in the same manner and to the same extent as they are liable for county tax collected by said sheriff. When collected, said sheriff shall pay same over in the same manner as he is required to pay over the

county levy, and be responsible for failing to do so in damages as under existing laws. The sheriff shall have the same commission for collecting the tax herein provided as is now allowed for collecting county levy.

§ 3. For the purposes of carrying the provisions of this act into effect, the judge of the Floyd county court is directed to convene the magistrates of said county, as soon after the passage of this act as practicable, and levy said tax. And thereafter said court shall levy said tax at the same time and in same manner as the county levy is now made.

§ 4. At the time the levy of the tax herein provided for is made by the said Floyd county court, said court shall make an order directing to whom the sheriff shall pay it, either to the county treasurer or the creditors of the county.

§ 5. This act shall take effect from and after its passage.

Approved February 6, 1884.

CHAPTER 109.

AN ACT authorizing Theo. Lewis, county clerk of Fayette county, to act as guardian of Maggie S. Lewis.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be, and is hereby, made lawful for Theodore Lewis, who is clerk of the Fayette county court, to act as guardian of Maggie S. Lewis.

§ 2. That the acting of Theodore Lewis in the capacity of such guardian shall not be incompatible with his holding the office of clerk of the Fayette county court.

§ 3. In so far as section fourteen, article thirteen, chapter twenty-eight, General Statutes, or any other law of this State, is in conflict with this act, the same is hereby repealed.

§ 4. This act shall take effect from its passage.

Approved February 6, 1884.

CHAPTER 110.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors in common school district number forty-one, in Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person or persons to sell spirituous, vinous, or malt liquors within the boundary lines of common school district number forty-one, in Muhlenburg county, known as Bevier district; that any person or persons violating the provisions of this act shall be subject to a fine of not less than ten nor more than fifty dollars for each offense; said fine shall be recovered in any court of competent jurisdiction of said county, and when collected, to be paid into the common school fund for said county.

§ 2. This act shall take effect from and after its passage.

Approved February 6, 1884.

CHAPTER 111.

AN ACT concerning judicial sales in McCracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter it shall not be necessary to advertise in a newspaper judicial sales made under judgments of the McCracken court of common pleas, or other courts of McCracken county, unless such court shall deem it right and proper to do so, and shall so expressly direct in the judgment. That it shall be sufficient that such sales be advertised according to the general law of the State upon the subject.

§ 2. That this act take effect from its passage.

Approved February 6, 1884.

LAWS OF KENTUCKY.

CHAPTER 112.

AN ACT to allow the Ballard county court to levy an ad valorem tax for county purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Ballard county court, a majority of the justices of the peace being present, be, and they are hereby, authorized to levy an ad valorem tax, not to exceed twenty cents on the one hundred dollars' worth of property, to be applied to the payment of the county indebtedness and other expenses of the county.

§ 2 That said levy should be made at the court of claims in each year except for the year one thousand eight hundred and eighty-three; and the said court, at the January or February term thereof, in one thousand eight hundred and eighty-four, may levy said tax, to be collected in one thousand eight hundred and eighty four, as though the levy had been made at the court of claims one thousand eight hundred and eighty-three.

§ 3. That the sheriff of said county shall collect said levy in the same manner as he does the revenue of the State.

§ 4. That this act take effect from and after its passage.

Approved February 6, 1884.

CHAPTER 113.

AN ACT to amend an act, entitled "An act to incorporate the Bank of Williamstown," approved April six, one thousand eight hundred and eighty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the bank of Williamstown, located at Williamstown, Grant county, Kentucky, are hereby authorized and empowered, at any time they may think it necessary, by resolution of the board of directors, adopted at some regular meeting of the board, the same to be entered of record on the minutes, to increase the capital stock of said bank, from time to time, to any sum or sums which, in the aggregate, shall not exceed one hundred and

fifty thousand (\$150,000) dollars; and the said additional stock hereby authorized, when paid into said bank as required by the original charter of said bank, shall be subject to taxation at a rate not exceeding the rate imposed upon the original stock of said bank by its charter.

§ 2. The Legislature reserves the right to alter, amend, or repeal this act at pleasure.

§ 3. This act to take effect from and after its passage.

Approved February 6, 1884.

CHAPTER 115.

AN ACT to incorporate the Church of Christ at Flat Rock, in Shelby county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the members of the Church of Christ at Flat Rock, in Shelby county, be, and are hereby, created a body-politic and corporate, by the name and style of "Christian Church at Flat Rock," with perpetual succession; and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded; of acquiring by purchase, gift, devise, lease, or otherwise, and of holding real estate and personal estate, and shall have power to manage and control the same, to receive all conveyances of the same, and may sell, convey, and dispose of all such property as they may now have or may hereafter acquire, and to reinvest the proceeds thereof in such real or personal estate for the use of said corporation as they may deem proper: *Provided*, That the real and personal property owned by said church shall not at any time exceed the value of fifty thousand dollars, nor real estate in quantity more than fifty acres.

§ 2. That the real and personal estate of said corporation shall be managed by a board of trustees of said corporation, and said board shall be composed of three members of said church, and shall be elected biennially by the members of said church at some regular church meeting for business to be fixed by said church, and they shall continue in office for

two years, and until their successors are elected and qualified. The said trustees shall have the power to choose from their own body a president, secretary, and treasurer, and shall have power to fill vacancies in their own body until the next regular election. All moneys that shall belong to said corporation, or debts due same, or evidences of debt due same, shall be placed in the hands of said trustees, and shall be invested or paid out by them as directed by order made at same regular business meeting of the members of said corporation; and no money shall be paid out except on such order, signed by the president and countersigned by the secretary of said board of trustees.

§ 3. That upon order of said corporation made at some regular church meeting for business by a majority of the members present at said meeting, the board of trustees shall have power to sell and convey any real estate belonging to said corporation, and to make full and perfect title thereto to the purchaser thereof. Said conveyance shall be valid when signed and acknowledged in pursuance of above by a majority of said trustees.

§ 4. The said trustees shall have power to transact any business pertaining to their duties at any time when a majority of them shall be present, and at all meetings a majority shall constitute a quorum to do business.

§ 5. That said corporation shall have power to establish, amend, or repeal such by-laws, rules and ordinances, not inconsistent with this charter, the Constitution or laws of this State or of the United States, as it shall deem necessary for the supervision and government of said corporation's financial and fiscal affairs.

§ 6. That a majority of the members of said corporation present at any regular meeting shall constitute a quorum to do business.

§ 7. This act shall take effect from its passage.

Approved February 6, 1884.

CHAPTER 116.

AN ACT to amend an act, entitled "An act giving further time until the third Monday in March, one thousand eight hundred and eighty-four, for the sheriff of Jessamine county to execute his revenue bond"

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said act be amended as follows: insert the word "State" between the word "of" and "revenue," in the first section of said act.

§ 2. That the said sheriff of Jessamine county be, and he is hereby, relieved from any penalty which he has incurred by failing to execute said bond on the first Monday in January, as provided by law.

§ 3. This act shall take effect from and after its passage.

Approved. February 7, 1884.

CHAPTER 117.

AN ACT to authorize certain officers to execute process and collect executions in Webster county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In case of vacancy in the office of sheriff of Webster county, the summons or process in a civil action, brought in the circuit court or other court of like jurisdiction, writs of *ad quod damnum*, writs of forcible entry and detainer, shall be directed to the coroner, jailer, or any constable of Webster county.

§ 2. Orders for provisional remedies and writs of executions, issuing out of the office of the clerk of the circuit court, or other court of like jurisdiction, in case of vacancy in the office of sheriff of Webster county, shall, at the request of the party interested, be directed to the coroner, jailer, or any constable of Webster county.

§ 3. The officer to whom all orders for a provisional remedy or writ of execution is directed shall, in the execution, have all the powers, and be subject to the same liability, as sheriffs.

§ 4. The officers to whom writs of *ad quod damnum*, and of forcible entry and detainer are directed, shall, in the execution of said writs, have the same powers, and be subject to the same liability, as sheriffs.

§ 5. In criminal and penal actions and proceedings warrants of arrest issued from the circuit court, and other courts of like jurisdiction, shall be issued and directed to the coroner, jailer, or any constable or marshal of Webster county; and the officer to whom said warrant is directed shall have power to take bail bond, if bail is allowed; and do such other acts as are by law allowed to sheriffs, and be subject to the same liability as sheriffs.

§ 6. This act shall take effect and be in force from its passage.

Approved February 7, 1884.

CHAPTER 118.

AN ACT to amend the charter of the American Mutual Aid Society.

WHEREAS, It is proposed to add certain new features, hereinafter set forth, to the business of the said American Mutual Aid Society:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The business of said society shall hereafter be done in either or both of two departments, the first of which shall be called the "Special Department," and shall embrace all the business done, or hereafter to be done, and memberships in said society, and rights and liabilities growing out of such memberships, under the now existing amended charter of said society. The second of said departments shall be called the "General Department," and shall include the business authorized to be done by, and that may hereafter be done, and memberships in said society, and rights and liabilities growing out of such memberships, under the provisions of this amending act.

§ 2: A person may be a member of either or both of said departments. Subject to the qualifications hereinafter mentioned, persons may, after application, medical examination,

and acceptance, similar to such as are required of persons becoming members in said "Special Department," receive certificates of membership, and become members of said "General Department," by paying to said society the contributions, fees, and dues in this act hereinafter mentioned. Said board of directors, or its executive committee hereinafter provided for, may, in its discretion, waive payment of membership fees by applicants for membership in said "General Department" who are, or have been, members in good standing in either said "General" or "Special Department."

§ 3. In the said "General Department" there shall be two distinct funds, the first of which shall be known as "The Fund for Paying Death Losses," and the second "The Expense Fund."

§ 4. "The Fund for Paying Death Losses" shall consist of contributions which shall be paid said society by the members of said "General Department," for the purpose of paying death losses; which contributions shall be of an amount called for by the American Experience Table of Mortality, at a rate of interest not less than four and one-half per cent., or greater than six per cent., as may be prescribed by said board of directors. And to said contributions may be added not more than ten per cent. of the amount thereof to cover the cost of collecting such contributions. The time and manner of paying said contributions shall be provided by the by-laws of said society.

§ 5. Said "Fund for Paying Death Losses," less the cost of collection, unless invested in accordance with a subsequent provision of this act, shall be deposited by said society in some bank or trust company incorporated by the General Assembly of this State, or in some national bank to the credit of said fund, and shall only be used in the settlement of and to pay expenses incident to death losses incurred by reason of the death of members of said "General Department."

§ 6. Any depository of the whole or any part of the "Fund for Paying Death Losses" shall, by agreement with said society, receive the same as a special deposit or trust

fund, free from all the other obligations of said depository, provided said deposits can be made with such depository without expense to said trust fund.

§ 7. Said board of directors is hereby empowered to make such investments of the "Fund for Paying Death Losses" as may seem best for the interest of said society, subject to the laws of this State governing the investment of life insurance funds.

§ 8. Said society is empowered in its by-laws to prescribe the qualifications of members of said "General Department" as to age, sex, residence, and occupation, and to require and receive an increased contribution to the "Fund for Paying Death Losses" from applicants for membership in said "General Department" if the occupation, residence, or peculiar condition of such applicant appear to require it.

§ 9. Said "Expense Fund" shall be used in conducting the business of said "General Department," and shall consist of membership fees and yearly dues to be paid said society by the members of said "General Department," the amount, time, and manner of paying which shall be prescribed in the by-laws of said society.

§ 10. Said society may issue and deliver to each accepted applicant for membership in said "General Department" a certificate of membership, the terms of which shall be prescribed in the by-laws of said society, and which shall obligate said society, within sixty days after due notice and proof to it in writing of the death of such member, to pay to the beneficiary or beneficiaries named in said certificate such sum as may be agreed upon between said society and applicant, which sum shall constitute a basis of calculating the amount of the contribution of such applicant to the "Fund for Paying Death Losses," mentioned in the fourth section of this act; but said society shall not issue certificates of membership to any applicant who designates any one as a beneficiary thereof who has not an insurable interest in the life of said applicant.

§ 11. On or before the twentieth day of January in each year said society shall make a full report to the Insurance Commissioner of this State of all its receipts and disburse-

ments in said "General Department" for the year ending December thirty-first next preceding. Said commissioner shall, in person or by deputy, verify such report, and also see that said society has charged and received from each member of said "General Department," and has on hand the sum necessary under this act to secure the payment of the amounts provided to be paid by the certificates of membership in said "General Department." The said society shall send to each member a copy of its yearly report, after it shall have been verified by the Commissioner. If at any time the Commissioner of Insurance shall have cause to believe that the society is in any way violating its charter, he may make, or cause to be made, an examination of its affairs; and if he shall find such a violation as in his judgment shall justify him in so doing, he is hereby authorized to take such steps as are necessary to annul this charter. Should he find, by such examination, that the loss from mortality experienced by said society has been greater than that called for by said mortality tables used by it, he shall certify the fact to said society, which shall thereupon be authorized, in its discretion, to make a deficiency assessment upon the members of said "General Department," which shall be distributed amongst said members in proportion to said contributions required of them, and, on demand by it, paid by them to said society. Said commissioner shall also, in person or by deputy, likewise certify what, if any, surplus has arisen from the "Expense Fund." Such surplus may be likewise distributed by said society amongst and paid to said contributing members, or it may reserve all savings from either or both of said two funds until there shall be raised a "Special Guarantee Fund" of one hundred thousand dollars, beyond which amount any such surplus savings shall be returned to the members of said "General Department," in proportion to their said contributions and in such manner as said society may deem best. Said "Special Guarantee Fund" shall be used for the purpose of meeting any liability of said society incurred by reason of any excess in mortality in subsequent years.

§ 12. Said commissioner shall receive for his services aforesaid such a fee as may be agreed upon between him and said society not exceeding \$——, to be paid by said society.

§ 13. Said board of directors may appoint an executive committee of not less than three nor more than five members (the membership of such committee to be subject to change at any time by said board), and invest it with such powers as to said board may seem proper

§ 14. Said board may also appoint such officers and agents for said society as may be thought necessary and proper to conduct its business, and may from such officers and agents require such bonds, with good surety, as may in the judgment of said board be deemed necessary in each case to secure the proper performance of the duties imposed upon them.

§ 15. In case of the death of any member of the said "General Department," written proof of such death shall be furnished to said society by the beneficiary or beneficiaries of his certificate of membership within sixty days thereafter, accompanied by a demand for the payment by said society of the amount due according to said certificate to such beneficiary or beneficiaries by reason of any such death. Should such payment be refused by said society, no action shall be brought or prosecuted against it for such payment, or any part thereof, or upon said certificate by such beneficiary or other person, unless within three years after such demand and refusal; but any claim growing out of such certificate or death shall thereafter be forever barred.

§ 16. Should any member of said "General Department" fail to pay any amount due said society promptly as it becomes due, he shall thereby forfeit his membership in said "General Department," and he and any beneficiary of his certificate of membership shall forfeit all rights growing out of the same. Said board of directors, or its said executive committee, shall, for thirty days next after said forfeiture, have power, in its discretion, to reinstate said member in said "General Department," upon payment by him of all amounts owing by him to said society as a member of said "General Department." The forfeitures mentioned in this

section and in section eleven (11) of an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to incorporate the American Mutual Aid Society," shall in nowise depend upon notice of any such forfeiture to the forfeiting member or the beneficiary of his certificate, or upon any corporate or official act of or for said society. Nor shall any such forfeiture be waived in anywise excepting by the reinstatement, within thirty days thereafter, as herein and in said section eleven (11) of said act provided.

§ 17. The corporate powers, the officers and their powers and duties, the by-laws, meetings, votes, and private property exemptions that are mentioned in, and generally the provisions of the now existing amended charter of said society shall apply in the conduct of the business provided for in this amending act, except so far as a contrary intent is inferred herefrom; but the mutual obligations, rights, and duties of said society, and the members of said "Special Department," under said existing amended charter, shall not apply to the members, as such, of said "General Department," nor shall the obligations, rights, and duties growing out of the membership of said "General Department," apply to members, as such, of said "Special Department."

§ 18. So much of the original and amended charters of said society now in force, and all laws in conflict with this act, are hereby repealed.

§ 19. The said society shall pay into the State Treasury, annually, within sixty days after it shall have made its annual report to the said commissioner, fifty cents on each one hundred dollars of the "Guarantee Fund," which shall be in lieu of all other taxes or license, State, county, or municipal: *Provided*, That on all office furniture and fixtures, and real estate, owned or held by the said society, they shall pay the same taxes as though the same were held by an individual.

§ 20. This act shall take effect from and after its passage.

Approved February 7, 1884.

CHAPTER 119.

AN ACT to amend and reduce into one the several acts in relation to the town of Rochester, Butler county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

ARTICLE I.

§ 1. That the present corporate limits and boundaries of said town of Rochester, in said county and State, be as follows : Beginning at the mouth of Mud river; thence up Mud river to the mouth of the lake; thence with the lake, apposite the grave-yard; thence on a straight line to Joseph Tucker's, including him, formerly known as the Willis place; thence on an air-line to Maj. Jack Long's, including him; thence with his lane fence to the corner, where it intercepts the Monticello and Rochester big road; thence on an air-line, due north, to Green river; thence down same to the beginning; that the inhabitants such boundaries be, and they are hereby, created a body-politic, with perpetual succession, with power to sue and be sued, to contract and be contracted with, plead and be impleaded, defend and be defended, by the name of the town of Rochester, and to have a corporate seal.

ARTICLE II.

Officers and Elections.

§ 1. That the municipal government of said town shall consist of the board of trustees of Rochester, composed of five persons, one of whom shall, at the first regular meeting of said board of trustees, be by them selected to preside over their meetings, and shall be styled chairman of the board of trustees of Rochester.

§ 2. That the said board of trustees, and their successors, shall be a body-politic and corporate, and shall be known and called by that name; shall be capable in law, and for and in behalf of said town, of contracting and being contracted with, and of suing and being sued, of defending and being defended, of pleading and being impleaded, in all courts and places; of taking, holding, purchasing, leasing, and conveying such real, personal, and mixed estate as the

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purposes of the town may require, within or without the limits aforesaid; they may or may not have a corporate seal.

§ 3. That all the power and authority of said town given by this act, together with the fiscal, prudential, and municipal concerns thereof, and the government and control of same, shall be vested in said board of trustees.

§ 4. That the other officers of said town shall be as follows: a police judge, marshal, and treasurer, and such other officers as the board may direct and appoint from time to time. The present police judge to hold his office until his time expire on the first Monday in August, one thousand eight hundred and eighty-six, at which time an election shall be held to elect a police judge to serve four years.

§ 5. That an election shall be held in said town on the first Saturday in May, one thousand eight hundred and eighty-four, every two years thereafter, except police judge, which shall be every four years, as shown in section four of this act. Said elections shall be held at such places as the board of trustees shall appoint, of which ten days' previous public notice shall be given in written or printed notices, posted in three public places in said town by the chairman of the board of trustees.

§ 6. That at the said election there shall be elected by the qualified voters of said town five trustees, a marshal, and town treasurer, and the person or persons having the highest number of votes cast at said election for either of said offices shall be declared elected.

§ 7. That the officers elected by the people under this act, shall hold their offices for two years, except the police judge, who holds his office for four years, and until the election and qualification of their successors respectively. All other officers mentioned in this act, and not otherwise specially provided for, may be appointed by the board of trustees at the first regular meeting thereof after the biennial election, or as soon thereafter as may be, and continue in office two years, and until the appointment and qualification of their successors. But the board of trustees may appoint policemen, gaugers, weighers, and other like officers, to continue in office during the pleasure of the board of trustees.

Officers elected or appointed to fill vacancies shall respectively hold for the unexpired term only, and until the election or appointment and qualification of their successors. If there should be a failure by the people to elect any officers herein required to be elected, the board of trustees may appoint such officers, or forthwith call or order a new election.

§ 8. That every person appointed to office by the trustees, or elected to any office by the people, may be removed from such office by a vote of a majority of all the board of trustees; but no officer who is elected by the people shall be removed, except for cause, nor unless first furnished with the charges and heard in his defense; and the board of trustees shall have power to compel the attendance of witnesses, and the production of papers when necessary for the purpose of such trial, and shall proceed within ten days to hear and determine upon the merits of the case; and if such officer shall neglect to appear and answer to such charges, then the board of trustees may declare the office vacant.

§ 9. That whenever any vacancy shall happen by the death, removal, resignation, or otherwise of any officer elected by the people, such vacancy shall be filled by a new election within ten days after the happening of such vacancy. Any vacancy occurring by death, removal, resignation, or otherwise, of any officer appointed by the board of trustees, may be filled by appointment of the board of trustees.

§ 10. That all free male citizens of the United States who are entitled to vote for town officers elected by the people under this act, shall be qualified to hold any office created by this act, or any other act in relation to said town, who is now or may hereafter be a defaulter to said town, or who, being a collector or keeper of the corporation funds, has not settled with the board of trustees of said town, and obtained a quietus; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for ten days after demand made, to account for and pay over to the person or party authorized to receive the same, any public money which may have come to his hands;

nor shall any person be eligible to hold the office of trustee in said town who is not at the time of his election a citizen in said town, and has resided in said town for at least one year next preceding his election.

§ 11. That when two or more candidates for any elective office shall have an equal number of votes for the same office, the election shall be determined by lot in such manner as the board of trustees may direct, and in the presence of the board of trustees and at least three other persons.

§ 12. That the board of trustees shall, before every town election, appoint suitable persons as judges, one as sheriff, one as clerk, and, if practicable, the officers shall be selected in equal numbers from the principal parties; but no person who is a candidate for election shall be an officer of said election; officers of town elections shall perform similar services, and be entitled to like pay, as officers at State elections, and shall be governed in all matters not inconsistent with this act, and shall be liable to the penalties imposed by the laws of this Commonwealth.

§ 13. That all elections, by qualified voters of the town shall be held between the hours of seven o'clock in the morning and six o'clock in the evening.

§ 14. That every free male citizen of the United States over twenty-one years of age, resident of this State two years, or in the county of Butler one year, and in said town six months, shall be qualified to vote at any election that may be held in said town for town purposes.

§ 15. That all laws in force in this Commonwealth punishing illegal voting at State elections apply to illegal voting in the town of Rochester, subject, however, to all provisions of this act touching the qualifications of voters.

§ 16. That the board of trustees shall judge of the qualifications, elections, and returns of its members; and cases of contested elections for any town officer elective by the people shall be heard and determined by the board of trustees, under such rules as may be prescribed by the by-laws or ordinances.

§ 17. That the outgoing town treasurer shall, immediately after the election, certify to the Secretary of State the name

of the person elected for police judge of said town, and the Governor of this Commonwealth shall issue a commission to said officer.

§ 18. That the poll-books of all elections in the town shall be returned by the sheriff of election to the treasurer of the town; said treasurer shall have power to act as clerk in said town, he shall keep all election returns on file as a part of the records of his office, examine and compare the same, and issue certificates to the officers elected, which certificate shall, before being delivered, be spread on the records of the board of trustees.

§ 19. The officers to hold the first election which may be held under this act shall be appointed by the acting board of trustees of Rochester, at the time of such election, and such officers shall be two judges, a clerk, and sheriff of such election; and such election shall be conducted in the way and manner prescribed by this act for elections; and the acting treasurer, who shall also act as clerk of the town at the time such election shall be held, shall certify to the Governor of this State the name of the person who may be elected police judge of such town.

ARTICLE III.

§ 1. That every person elected or appointed to an executive, judicial, or administrative office under this act, shall, before he enters upon the duties of his office, take and subscribe before a person authorized to administer same, the oath of office prescribed by the Constitution of this State, and file the same, duly certified by the officer before whom it was taken, with the treasurer of the town.

§ 2. That the chairman of the board of trustees shall preside over the meetings of the board of trustees, and take care that the by-laws and ordinances of the town are duly enforced, respected, and obeyed, and that all the other executive officers discharge their respective duties. The chairman shall likewise have the power to perform the duties of the police judge in all criminal and penal actions in cases where, from a vacancy in the office of police judge, or from absence, sickness, or otherwise disabled, the police judge may not or cannot act, and he shall have the same fees

therefor as the police judge is allowed; but he shall account for any pay over to the town treasurer all fines and other moneys received by him in his judicial capacity in favor of said town.

§ 3. That in case of a vacancy in the office of chairman, or of his being unable to perform his duties, by reason of temporary or continued sickness or absence, the board of trustees shall appoint one of their number, whose official designation shall be acting chairman; and the trustee so appointed shall be vested with all the powers, and perform all the duties, of chairman, except in regard to acting as police judge, until the chairman shall resume his office or the vacancy be filled by a new election.

§ 4. That the treasurer, who shall act as clerk, shall keep the corporate seal, if there be one, and make and keep a record of the proceedings of the board of trustees, at whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcript from the records of the proceedings of the board of trustees certified by him, shall be evidence in all courts; he shall likewise draw all warrants on the treasury, and countersign the same, and keep an accurate account thereof in a book to be provided for that purpose.

§ 5. That the treasurer shall receive all moneys belonging to the town, and keep an accurate account of receipts and expenditures, in such manner as the board of trustees may direct; all moneys shall be drawn from the treasury by warrant from the chairman or acting chairman of the board of trustees, and countersigned by the treasurer; such warrant shall specify therein, shall be paid. The treasurer shall exhibit to the board of trustees, on the first day of May each year, and oftener if required, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also the state of the treasury, which account shall be filed in the office and carefully kept by the treasurer.

§ 6. That it shall be the duty of the marshal to attend all the sessions of the police courts, and to give the court every attention required by the by-laws in all matters of a crimi-

nal nature arising under the by-laws or ordinances of said town or the laws of this Commonwealth; he shall possess the same powers as sheriffs and constables. He shall execute all processes, civil or criminal, issued and to him directed by the chairman of the board of trustees, the police judge, the presiding judge of the Butler county court, or any justice of the peace. He shall possess the power and authority of a constable under the statutes of this Commonwealth; and his power for discharging his duties shall be co-extensive with Butler county. He shall be entitled as compensation to the same fees allowed by law to constables and sheriffs for similar services, to be collectable in the same manner as constables and sheriffs' fee-bills are; for other services, he shall be entitled to such fees and compensation as the board of trustees may designate by by-laws or ordinances. He shall be liable in the same cases, way, and manner, and to the same extent, to be prosecuted in the same manner, as sheriffs and constables are. He shall perform such other duties, not inconsistent with this act, and make such returns and reports of his acts as may be prescribed by ordinances or by-laws, and as hereinafter prescribed. He may or may not be appointed collector; but if he is, he shall be required to give bond in addition to the marshal's bond as collector.

§ 7. That it shall be the duty of the collector to collect all taxes and assessments which may be levied by the board of trustees, and pay the same into the town treasury, provided that the board of trustees shall have power to require all license money to be paid directly into the treasury, or to appoint some other person to collect such money.

§ 8. That the assessor shall perform all the duties which the board of trustees may by by-law or ordinance prescribe in relation to assessing of property for the purpose of levying the taxes imposed by the board of trustees.

§ 9. That the board of trustees shall have power, from time to time, and at all times, to require other duties, and fix the compensation of all officers not herein specified in this act.

§ 10. That the police judge, treasurer, collector, and marshal shall severally, before they enter on the duties of

their respective offices, execute a bond, payable to the board of trustees of Rochester, in such sum, with such conditions and sureties as the board of trustees may approve, conditioned that they will faithfully execute the duties of their offices, and pay over to such persons, and at such times as they may respectively be entitled to the same, all moneys or other property that may come to their hands as such officers respectively, which bond, with the approval of the board of trustees, certify thereon by the treasurer, who is acting clerk, shall be filed and recorded, and carefully kept in the Butler county court clerk's office.

§ 11. That the board of trustees of Rochester, or any person injured by the breach of any or either of said bonds, may, in any court having jurisdiction, prosecute suit or motion against the said officer by whose breach of duty they have been injured, and his sureties, or any or either of them, are liable as other bonds given by sheriffs are. The board of trustees are liable for failing to take good surety in the same manner as the law directs for county judges.

§ 12. That if any person, having been an officer in said town, shall not, within ten days after notification given him by the board of trustees to deliver to his successor in office all the property, papers, and effects of every description in his possession belonging to said town, or appertaining to the office he held, he shall forfeit and pay for the use of the town fifty dollars, by his neglect or refusal so to deliver.

ARTICLE IV.

Police Courts.

§ 1. That there shall be established in said town a court, to be styled the Rochester police court, which shall be held by one judge, to be styled the judge of the Rochester police court, who shall be elected as is hereinbefore provided.

§ 2. That the Rochester police court shall have exclusive original jurisdiction of all prosecutions for violation of the by-laws, or ordinances of said town, without intervention of a jury, if he chooses so to act, and to have concurrent jurisdiction with magistrates of all pleas of the Commonwealth arising within the limits of said town. Said court shall

have power and authority to take recognizances from persons charged with said offenses cognizable before said court, to appear and answer for the same that the circuit courts have; like power to take same as forfeited, and pronounce judgment thereon, and to enforce full compliance with the same; and shall have the power of two justices of the peace as an examining court.

§ 3. That the judge of said court shall be a conservator of the public peace, and may order arrest for all offenses against the laws of the Commonwealth or by-laws and ordinances of the town; and for those committed within his presence may order arrests without warrant, the person to be dealt with according to the laws of the Commonwealth or the by-laws and ordinances of the town. If he think it necessary, he may detain any person or persons so offending in custody or in the county jail, or other safe place in a lock-up, if he thinks it necessary.

§ 4. That the police court shall be held at such place as the board of trustees may designate, or, they failing to designate and provide a suitable place, at such place as the judge may select in said town. The judge shall have power to fix the time for holding court for the trial for criminal or penal cases as, in his discretion, the business before him may seem to require.

§ 5. That the police court shall be a court of record, and the judge thereof shall act as clerk.

§ 6. That all proceedings in, and process from the police court, shall be in the name of the Commonwealth of Kentucky. The process shall be made returnable to the police court, and may be directed to the town marshal; but the judge may direct the process to any constable, sheriff, jailer, coroner, or policeman; and the person executing the process of said court shall be entitled to the fees for the like services, and to the like remedy for the collection thereof, as the constables and sheriffs of this Commonwealth, and shall be subject to the like penalties for the like offenses and failures, recoverable in the same manner.

§ 7. That the fines and forfeitures recoverable in the police court in favor of the Commonwealth of Kentucky, and

those in favor of the town of Rochester, or the board of trustees of Rochester, are hereby granted to the town of Rochester.

§ 8. That all fines and forfeitures recovered in the police court are to be collected by the marshal or other officer to whom execution or *capias pro fine* is directed, and to be paid by him to the town treasurer; but before the issual of the execution or other final process, the defendant may pay the fine or forfeiture to the judge of the police court, who shall pay the same to the town treasurer.

§ 9. That the defendant shall have the right at any time to replevy for three months any judgment, fine, or forfeiture of the police court, or execution or other final process thereon, by giving bond, with good security, in the same manner as allowed by law in similar cases in favor of the Commonwealth.

§ 10. That a return of not found on a *capias pro fine*, and of no property on a writ of *feri facias*, issued on any judgment in the police court, shall authorize an attachment out of equity in favor of the board of trustees of Rochester, against the defendant or defendants, in the same manner that a return of no property authorizes an attachment in equity on judgment rendered in the circuit and justices' courts.

§ 11. That upon all judgments for fines rendered by the police court, whether in favor of the Commonwealth of Kentucky or of the town of Rochester, or of the board of trustees of Rochester, and which shall not be paid at the time of rendering the same, an execution against the estate of the defendant may be issued, or a *capias pro fine* may be issued, requiring the imprisonment of the defendant in the county jail until the same shall be paid; but the imprisonment shall not exceed one day for every two dollars of such fine.

§ 12. That in all cases in said police court where, by the laws of this Commonwealth, this act, or the by-laws or ordinances of said town, the punishment is in whole or in part imprisonment, the police court shall have the power to imprison the person convicted of a violation of said laws,

this act, or said by-laws or ordinances, in the Butler county jail, for any time, not exceeding fifty days, specified by said laws, this act, or said by-laws or ordinances.

§ 13. That appeals shall lie from the decisions and judgment of the police court to the Butler quarterly court, in all cases where the fine exceeds ten dollars and is less than fifty dollars, exclusive of cost, and to the Butler circuit court where the fine is fifty dollars or upwards, exclusive of cost; and when the punishment is by imprisonment for any time, an appeal shall lie to either the said quarterly or circuit courts. In all cases of appeal, in either criminal or penal cases, the execution of the judgment shall not be suspended unless the defendant, within five days after the rendition of the judgment, causes to be executed, before the clerk or judge, good surety in all respects as required by section three hundred and forty-nine of the Criminal Code of Practice.

§ 14. That the police court shall always be open for hearing and determining such penal and criminal cases as are within its jurisdiction, and may make such reasonable rules and regulations, for the speedy hearing and determining of all such cases, as to afford reasonable notice to the parties and a prompt administration of justice.

§ 15. That all fines and forfeitures arising under this charter for breaches of the by-laws and ordinances of said town shall be sued for by warrant in the name of the board of trustees of the town of Rochester or the Commonwealth of Kentucky, and shall be for the use of said town.

§ 16. That the police court shall have original and concurrent jurisdiction with the justices of the peace in all civil cases and proceedings; and the time of holding said court for the transaction of civil business shall be fixed by the Butler county court, as is done in cases of justices' courts, and, until differently fixed, shall remain as it now is.

§ 17. That the provisions of the Criminal Code of Practice shall regulate the proceeding of said court in criminal and penal cases, and the provisions of the Civil Code of Practice shall regulate the proceedings in civil cases.

§ 18. That the fees of said judge, whether acting as judge or clerk, or otherwise, shall be the same in all cases as are now, or may hereafter be, given by law to officers performing like services; and fees and cost shall be taxed in cases in said court to the same extent, in the same way, and under the same regulations, as in courts having similar jurisdiction.

ARTICLE V.

General Powers and Duties of Trustees.

§ 1. That the board of trustees shall hold stated meetings, and the chairman may call meeting, by notice to each of the members, either oral or written; a majority of the trustees shall constitute a quorum.

§ 2. That the board of trustees shall have the management of the finances and other property that may belong in common to said corporation; and shall have power to contract and be contracted with, for and on behalf of said town's public good, and no further, and shall have power to provide for the erection and repair of all needful public buildings for the town, and to provide for inclosing and improving all public grounds belonging to said town. They shall have power to restrain or prohibit all description of gaming by by-laws or ordinances.

§ 3. That the board of trustees shall have power to levy a tax not exceeding twenty-five dollars, for the selling of ardent spirits or other intoxicating, fermented, vinous, or malt liquors in said town: *Provided*, That they submit the same to the qualified voters in said town, having given ten days' previous notice of said election; and if a majority of the voters of said town vote for said tax, then the board of trustees may collect said tax for one year only from date of election; other elections may be held annually, as regards the power granted in this section.

§ 4. Said trustees of the town of Rochester shall have power to grant and issue coffee-house license in said town, and the fee to be paid therefor shall not be less than one hundred dollars per year, and this privilege shall only be granted when a majority of all the legal voters in said town have voted in favor of granting such license. Then the

board of trustees shall issue them, the party first having complied with the statutory laws of this Commonwealth. The money collected for coffee-house license shall be paid into the town treasury for the use and benefit of said town.

§ 5. That the board of trustees shall have power to license, tax, regulate, suppress, or prohibit billiard tables, pigeon-hole, Jenny Lind, and all similar tables or contrivances, pin alleys, nine or ten-pin alleys, ball alleys, and shooting galleries.

§ 6. To regulate or grant privileges to traveling shows, and collect a tax for same, not exceeding fifty dollars, except by the citizens of the town and county.

§ 7. To authorize the chairman of the board of trustees, or other proper officer of the town, to grant and issue licenses to coffee-house, only as provided in section four of this act, and direct the manner and the time of issuing and registering thereof, and the fees to be paid therefor; no license shall be granted for coffee-house for more than one year, and not less than one month; more than two dollars shall be required to be paid for issuing same.

§ 8. To prevent and suppress any riot, rout, breach of the peace, noise, disturbance, or disorderly assemblage.

§ 9. To establish and regulate markets and other public buildings, and to provide for their erection, and determine their location at some suitable place.

§ 10. To prevent horse-racing, immoderate riding or driving in the town, and to authorize persons immoderately riding or driving to be stopped by any person, and to punish or prohibit the abuse of animals, and to compel persons to fasten or secure their horses, mules, oxen, or other animals attached to vehicles or otherwise, while standing or remaining in the street; also, shall have power to prohibit loose horses running at large in said public streets, and fix the penalty by by-law or ordinance.

§ 11. To prevent the encumbering of the streets and sidewalks with unnecessary lumber, boxes, wagons, or anything of the kind of an obstructive nature, and compel the same to be removed from the streets.

§ 12. To prevent any obscene, indecent, or profane exhibition or conduct.

§ 13. To make regulations to prevent the introduction or spread of contagious diseases in the town.

§ 14. To provide the town with water in any manner they may deem proper, and to establish, make, and regulate public pumps, wells, and cisterns.

§ 15. To erect, control, and keep in repair public scales in said town when deemed necessary.

§ 16. That the board of trustees shall have power to repair, regulate, grade, and pave said streets, in such manner as may be the best interest of the town.

§ 17. To prohibit any works or business being done or performed on the Sabbath day, and to punish any person or persons found at or engaged in any work or business on that day, except it be the ordinary household offices of daily necessity, or other works of necessity or charity: *Provided*, It shall not apply to a regular *bona fide* druggist doing a legitimate business as such, he being responsible to the Commonwealth as the law now directs.

ARTICLE VI.

Taxation

§ 1. That the board of trustees of Rochester shall have power, subject to the exceptions hereinafter mentioned, to annually levy and collect taxes not exceeding twenty-five cents on each one hundred dollars' worth of real estate in said town, including the improvements on such real estate, and upon all personal estate and money and evidences of money in said town and a head or poll-tax upon every male inhabitant of said town, over twenty-one years of age, of not exceeding one dollar; such money, when collected, shall be paid direct to the treasurer of said town.

§ 2. There shall be exempt from taxation under this act all property used for worship or school purposes in said town.

ARTICLE VII.

Working on Streets—How it Shall be Done.

§ 1. That the board of trustees shall have power to contract or let out to the lowest and best bidder, for one year,

for the working and keeping in good order said streets and roads; notice shall be given by the chairman of the board of trustees ten days in writing, posted in three public places, before the letting out of said work; when said work is done and received by the board of trustees, shall be paid out of treasurer of said town by warrant from the chairman of the trustees as in other cases provided before in this act.

ARTICLE VIII.

Opening of Streets.

§ 1. That the board of trustees of Rochester shall have power to lay out streets, alleys, and highways, wherever in their judgment the public demand it, for the benefit and convenience of said town; but it is further understood that no new street, alley, or highway shall be opened without the consent or privilege of the owner of said land, where said street alley or highway might run; it is further understood the owner shall be paid all damages that might arise from the opening of said streets, alleys, or highways.

§ 2. That the trustees shall recognize the old plat of said town of Rochester, and make no change in the streets, alleys, or highways, as now set out in said old plat; that part of said old plat, from the Cross street, near the Mud River Ferry, shall be considered the lowest and first street, and all others running from Green river back shall be recognized as streets as the old plat show, and likewise all other streets running parallel with Green river, beginning at First street near the Mud River Ferry. It is further understood that there shall be a public highway, beginning from First street near Mud River Ferry, extending up to the old mill property formerly known as the James Vick property, on Mud river.

ARTICLE IX.

Collection of Taxes and Assessments.

§ 1. That the trustees shall have the right to assess the property in said town of Rochester as assessed by the county assessor, and go no higher, but lower, if they see fit, in their judgment. It is also understood in this act that

the town marshal shall collect said taxes as per order of the trustees, and pay same into the treasury of said town.

§ 2. That in case of non-payment of any taxes or assessments levied or assessed under this act, the marshal shall have the same power for collecting as sheriffs now have in collecting the revenue of this Commonwealth, and the same fees for his services as the sheriff is now entitled to.

§ 3. That the right of redemption in all cases of sales of real estate for taxes or assessments shall exist to the owner as the statutes of Kentucky now directs or provided for.

§ 4. That the officers of said town now in office shall respectively remain and continue in the same until superseded in conformity to the provisions hereof, but shall be governed by this act.

§ 5. That this act shall not invalidate any legal act done by the board of trustees of Rochester, or by its officers, nor divest their successors under this act of any rights of property or otherwise, or liability which may have accrued to or been created by said corporation prior to the passage of this act.

§ 6. That all acts or parts of acts inconsistent herewith are hereby repealed, and this act may at any time be altered, modified, or repealed by the General Assembly of Kentucky.

§ 7. That all persons licensed by the board of trustees of said town to keep a coffee-house, before they shall enter upon said business, execute, with good security, a bond as required by the general laws of Kentucky, in the office of and before the clerk of the Butler county court, who shall safely preserve said bond.

§ 8. This act shall take effect from and after its passage.

Approved February 7, 1884.

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CHAPTER 121.

AN ACT to amend the charter of the town of Glasgow Junction, in Barren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of Glasgow Junction, Barren county, be so amended that the board of trustees of said town may hereafter grant or reject a license for the keeping of saloons or restaurants in said town at their discretion.

§ 2. *And be it further enacted,* That said trustees are hereby invested with full power and authority to fix the rate of license to be paid by each saloon-keeper for the privilege of selling spirituous, vinous, or malt liquors, which license shall not exceed the sum of five hundred dollars per annum for each license granted.

§ 3. *And be it further enacted,* That said board of trustees shall have full power and authority to pass such by-laws and ordinances for regulating the sale of spirituous, vinous, and malt liquors in said town as they may deem fit and proper, and they may provide for the imposing of such fines and forfeitures for a violation of the by-laws and ordinances of said town as they may see fit, which by-laws and ordinances shall not be inconsistent with the Constitution and laws of this State.

§ 4. This act shall take effect from and after its passage.

Approved February 7, 1884.

CHAPTER 122.

AN ACT exempting all persons from toll milling on horseback in Anderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all persons going to or returning from mill on horseback shall be exempt from paying toll on all the turn-pike roads in Anderson county.

§ 2 That all laws in conflict with this are hereby repealed.

§ 3. This shall take effect from its passage.

Approved February 7, 1884.

CHAPTER 123.

AN ACT to change the voting place in East Hickman precinct, in Fayette county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting place in East Hickman precinct, in Fayette county, be, and the same is hereby, changed from East Hickman school-house to the building on the Walnut Hill pike owned by the county of Fayette.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 7, 1884.

CHAPTER 124.

AN ACT for the benefit of J. L. Beeler, of Jefferson.

WHEREAS, J. L. Beeler, a citizen of Jefferson county, is confined as a lunatic in the Central Lunatic Asylum, and his family are desirous of removing him from said Asylum and placing him in the private Asylum for the Insane near Cincinnati, Ohio; and whereas, under existing laws, they cannot obtain permission from the proper authorities to remove him; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the medical superintendent of the Central Lunatic Asylum be, and he is hereby, authorized and directed to permit the committee of J. L. Beeler to remove him from said Asylum for the purpose aforesaid.

§ 2. This act shall take effect from and after its passage.

Approved February 7, 1884.

CHAPTER 125.

AN ACT to prohibit the sale or giving away of intoxicating liquors at or within two miles of Carve Rock Church, in Butler county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be unlawful for any one to sell any vinous, spirituous, or malt liquors, or any intoxicating drinks, at or within two miles of Carve Rock Church, in Butler county, Kentucky.

§ 2. That any person violating the provision of this act shall be fined for each offense not less than ten nor more than twenty-five dollars.

§ 3. That this act shall not be construed to apply to regular practicing physicians, who keep and administer it as such for real sickness, nor to persons having license to sell liquor within said territory until the expiration of said license.

§ 4. That the quarterly court judge of Butler county, or any justice of the peace of the district in which the said church is located, shall have jurisdiction to try offenses committed under the provisions of this act, and to render such orders and judgments as may be necessary to carry out the verdicts that may be rendered by juries sitting in the trial of offenses under the same, or the parties violating the provisions of this act may be indicted by the grand jury of the county and tried as other indictments are.

§ 5. This act shall take effect from its passage.

Approved February 7, 1884.

CHAPTER 126.

AN ACT to amend the charter of the town of Harrodsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Harrodsburg may receive conveyances or the consent in writing of the proprietors of lots in said town, for the purpose of locating new streets or alleys in said town to the limits, or for the purpose of widening any of the streets of said town; and, on receiv-

ing the same, may direct such streets or alleys to be extended, enlarged, or opened. And when they shall deem it proper to have any new street or alley opened, or any of the streets or alleys of said town extended, widened, or opened in part or to the limits of said town, they may petition the Mercer circuit court, stating the street or alley they wish to have opened, widened, or extended, and the names of the owners, if known, of the lots and lands through which they desire to have such street or alley opened, widened, or extended, and the width thereof; and thereupon said court shall order a summons to issue for such owner to appear on some convenient day of that or some subsequent term to show cause why such street or alley should not be opened, widened, or extended, which summons shall be executed, or on the return of no inhabitant or known agent, and no one appearing, the court shall enter up a warning order against such non-resident owner, and appoint an attorney to defend for such owner, and proceed, should no defense be made, to have said street or alley opened, widened, or extended according to the prayer of petition. And if any one or more of such owners shall appear, they shall have the right to claim a writ of *ad quod damnum*, which the court shall award to the proper officer, to be executed as other writs of that nature for the opening of roads; and on the return of the writ executed, the court shall order the board of trustees to pay the damages assessed, and shall order the street or alley, upon the payment of said damages, to be opened, widened, or extended: *Provided, however*, That the said board of trustees shall have full power, at any time before the final decree or order, to dismiss their petition, which shall not prevent their again instituting proceedings for opening or extending or widening said street or alley at any time after one year from the date of said order of dismissal.

§ 2. That the trustees of said town are empowered to purchase a lot and erect buildings thereon, or purchase a lot and buildings suitable for poor-house on which the indigent poor of said town shall be comfortably provided for at the expense of said corporation. And provision may be made

for confining therein common beggars, vagrants, and all persons who may be sentenced by the police court of said town for breaches of the peace and other offenses against the by-laws of said town, where they shall be employed in such labor, and made to perform such tasks, as shall be directed by the ordinances of said town.

Approved February 7, 1884.

CHAPTER 127.

AN ACT to further amend an act, entitled "An act to incorporate the Bardstown and Chaplinton Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Bardstown and Chaplinton Turnpike Road Company," approved January twenty-six, one thousand eight hundred and fifty-eight, and amended April first, one thousand eight hundred and eighty-two, be, and same is hereby, further amended as follows: It shall be lawful for said road company to consolidate with the Stringtown and Beech Fork Turnpike Road Company, with the concurrence of the board of directors of both companies, in which case there shall be a new board of directors, consisting of a president and five directors, chosen by the stockholders of both of said companies uniting in an election of one board.

§ 2. The president and directors of such consolidated road, when duly sworn as such, shall have all the rights and powers granted to said respective road companies, not inconsistent with the laws of this State.

§ 3. This act shall take effect from its passage.

Approved February 9, 1884.

CHAPTER 128.

AN ACT to amend the charter of the town of Alexandria, in Campbell county, so as to give concurrent jurisdiction to the police judge of said town with justices of the peace of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the town of Alexandria, in Campbell county, be amended as follows: The police judge of said town shall have concurrent jurisdiction with justices of the peace in said county in civil causes or proceedings.

§ 2. Before such police judge shall take cognizance of such civil causes, he shall give bond in the county court similar to that required by law to be given by justices of the peace.

§ 3. The county court of said county shall fix the terms for the holding of the courts by said police judge for the trial of civil causes.

§ 4. The marshal of said town, as also officers now having authority to execute process issued by justices of the peace, may execute any process issued by said police judge; but before he shall have the right to execute process in civil causes, he shall execute bond in the said county court similar in effect, force, and conditions to the bond required by the statutes of this State to be given by constables.

§ 5. Upon failure of either of said officers to give the bond herein required to be given, for thirty days after the time fixed by law for their qualifications into office, unless prevented by sickness or unavoidable casualty, they, or either of them, shall forfeit his office.

§ 6 The laws governing justices of the peace and constables by the General Statutes of this State, as to their duties and liabilities in the performance of their respective duties, shall govern and shall apply to said police judge and marshal in the discharge of their duties under this act.

§ 7. This act shall be in force from and after its passage.

Approved February 9, 1884.

CHAPTER 129.

AN ACT to amend, digest, and reduce into one all the acts and laws in relation to the town of Williamsburg, in Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

Boundary.

§ 1. That so much of Whitley county as is embraced in the boundary set forth in the next following section of this act, be, and the same is hereby, created a body-politic and corporate, by the name and style of the town of Williamsburg, and by that name may have perpetual succession, may sue and be sued in all courts of law or equity in this Commonwealth; may contract and be contracted with; may purchase, receive by gift, or otherwise, and hold such lands and tenements and hereditaments and personal property as may be necessary for the use of said corporation; and may sell, lease, or convey, or otherwise dispose of same, for the use and benefit of said corporation.

§ 2. The corporate limits of said town of Williamsburg are hereby fixed and established as follows, viz: beginning on the north side of Cumberland river, on the lower side of the railroad bridge abutment, on the top of the main bank of the river; thence a straight line, crossing the river, south eighteen, west three hundred and forty poles to a white tree, on the south side of the Huntsville road, near the old grocery-house of J. S. Litton, commonly called the "Bucking Tree;" thence a straight line to the north end of the bridge across Briar creek, in the Jacksboro road; thence down and with said creek, on the north side thereof, to its mouth in Cumberland river; thence east across said river to the top of the main bank on the north side thereof; thence down and with said river, on the top of the main bank on the north side, to the beginning.

§ 3. All streets, alleys, roads, and lanes now open for public use in said town, as heretofore established, and all roads, lanes, streets, alleys, and highways now open for public use within the limits of said town, as defined in this

act, are hereby declared to be streets, alleys, roads, lanes, and highways of said town of Williamsburg. Said town, as herein defined and incorporated, shall have and succeed to all rights, remedies, claims, and revenues that may belong to, or in any manner appertain to, said town as heretofore established; and shall be bound by and for all contracts, and responsible for all debts, claims, and demands of every kind whatsoever against said town, as heretofore established, to the same extent as before the adoption of this act.

§ 4. In all suits against said town, service of process shall be upon the chairman of the board of trustees, or, in his absence, upon the clerk of the board of trustees.

ARTICLE II.

Distribution of Powers.

§ 1. The corporate powers of said town shall be divided into three departments—legislative, executive, and ministerial and judiciary.

ARTICLE III.

Legislative.

§ 1. The legislative power of said town shall be vested in a board of trustees, seven in number, who shall be elected annually by the qualified voters of said town, as hereinafter defined, on the first Saturday in March of each year. No person shall be eligible as a member of the board of trustees of said town unless he be a male citizen and legal voter of said town, and shall have been a continuous and *bona fide* resident of said town, as herein defined, at least one year next preceding his election; and in case of a vacancy in said board by death, resignation, or removal from the limits of said town, of any member thereof, the remaining members shall fill such vacancy by appointment until the next annual election. No one is not eligible to election as a member of the board of trustees shall become a member thereof by appointment.

§ 2. Each member of the board of trustees, before he enters upon the discharge of his duty as such, shall take an oath before some authorized by law to administer oaths generally, that he will faithfully and impartially, without fear,

favor, or affection, perform his duty as such trustee according to law; except, in cases of vacancies, the oath may be taken before the chairman of the board of trustees in office at the time of filling such vacancies.

§ 3. The board of trustees, at such time as they may agree on, after taking the oath prescribed in the preceding section, shall assemble together and proceed to organize by electing one of their number chairman, who shall preside at all their meetings, preserve order, and see that a correct record is made on their journal of all proceedings had by and before the board in relation to the affairs of said town. He shall sign the journal at the close of each meeting, after causing the record of that meeting to be read aloud in the presence of the board. The journal shall be evidence in all courts of law or equity in this Commonwealth of all proceedings had by and before the said board of trustees, and same shall, at all reasonable times, be open to the inspection of any one having an interest therein.

§ 4. The board of trustees shall meet at such times and places as the chairman may direct; or in case of vacancy in the office of chairman by death, resignation, or otherwise, or if the chairman be absent, or if he refuse to call a meeting when necessary, any two members of the board may call a meeting thereof at such time and place as they may direct. In such cases the board shall fill the office of chairman by election, or elect a chairman *pro tem.*, as the case may be, who, for that meeting, shall have all the powers and discharge all the duties of a regular chairman. No member of the board of trustees, after he has qualified as such, shall be allowed to resign his office as such unless a majority of the remaining members shall, by vote entered on the journal, consent thereto.

§ 5. No member of the board of trustees shall be compelled to serve on any jury, grand or petit, in any court during the term of his office.

§ 6. A majority of the board shall constitute a quorum to do any business in relation to said town, except as otherwise provided in this act; and if at any time a majority shall not assemble when ordered by the chairman or mem-

bers calling the meeting, such as do assemble may adjourn from time to time until a quorum is secured.

§ 7. Upon all questions voted on by the board, any member thereof may, on his demand, have the yeas and nays entered on the journal.

§ 8. Said board may pass any penal ordinance necessary for the well-being and good government of said town, not inconsistent with the Constitution and general laws of this Commonwealth, and may prescribe penalties for violations of same, but in no case shall a fine of more than twenty dollars be imposed for violations of such ordinances; nor shall any such ordinance become a law or be enforced until same shall have been regularly introduced before the board, and the number and title entered on the journal at the time it is introduced, and shall have lain over at least ten days before final action; nor shall any such ordinance become a law or be enforced unless on its final passage the vote be taken and recorded on the journal by yeas and nays, and shall be voted for by at least four members of the board.

§ 9. The board of trustees shall have power, within the limits of said town, as herein defined, in addition to other powers herein granted, and in addition to the powers granted to them by the General Statutes, as follows, viz:

1. To levy and cause to be collected by the officers hereinafter designated an annual per capita tax, not exceeding two dollars (\$2) from each male person over twenty-one (21) years old, residing in the limits of said town, at the date of levying the tax, and an *ad valorem* not exceeding fifty (50) cents on each one hundred (\$100) dollars' worth of all property, real and personal, in the limits of said town, which, by existing laws, is subject to taxation for the purposes of State revenue, except lands used for farming purposes, and except articles manufactured within said limits designed for export or shipment, such as lumber, staves, &c., and the raw material out of which such articles are manufactured, and the machinery used in their manufacture.

2. To appropriate money and provide for the payment of the expenses and debts of said town.

3. To make such rules and regulations and to provide for the enforcement of same as may be necessary at any time to prevent the introduction and spread of contagious and infectious diseases in said town, and to pass quarantine laws or ordinances for that purpose, and to enforce same within one mile of the limits of said town.

4. To establish all necessary hospitals and pest-houses, and to make rules for the government of same.

5. To make such rules and regulations as may be necessary to secure the general health of said town, and to provide for the enforcement of same.

6. To declare and define by ordinance what shall constitute a nuisance within the limits of said town, in addition to such acts as may constitute nuisances at common or statute law, and to provide by ordinance for abating or removing all such nuisances at the expense of the person or persons causing same, or at the expense of the person or persons upon whose land same shall exist; and to prescribe penalties against persons for causing and maintaining such nuisances, not, however, to exceed a fine of ten (\$10) dollars for each offense, or in case of a continuing nuisance, not to exceed a fine of ten (\$10) dollars for each day same is continued or maintained after notice to the owner, occupier, or person causing or maintaining same to abate or remove it.

7. To provide suitable water-works, by means of springs, wells, cisterns, or otherwise; to erect hydrants, tanks, and reservoirs in the streets, alleys, roads, or lanes of said town, or beyond the limits thereof, for the convenience of the inhabitants thereof, and for the security of the property therein, in cases of fire.

8. To establish, erect, and keep in repair bridges, culverts, sewers, drains, &c., necessary for the comfort and well-being of said town, and to regulate the use thereof.

9. To provide for the lighting of any or all of the streets, roads, lanes, or alleys of said town, including the public square.

10. To provide for the erection of all needful public buildings in said town, and to regulate the use of same.

11. To appoint, support, and regulate policemen, patrols, and night watches, and to prescribe their duties and compensation.

12. To erect a suitable market-house, and provide for the government and regulation thereof, and to appoint inspectors of articles sold therein, and to provide for the condemnation and destruction of all unwholesome articles offered for sale therein.

13. To levy a license tax on all auctioneers, peddlers, insurance agents, brokers, pawnbrokers, keepers of warehouses and public halls, and to affix penalties against engaging in any such business without paying the license tax levied.

14. To license and authorize any one to engage in his regular business on the Sabbath day when, in the judgment of the board, the public good may require it. Such license shall exempt the person having same from all the penalties denounced by the General Statutes against Sabbath-breaking.

15. To license, tax, regulate, and suppress theatrical and other exhibitions, shows and amusements, circuses, menageries and museums, and to prescribe penalties against all such exhibitions, shows, amusements, circuses, menageries, and museums without the payment such license tax, and to impose a license tax on any trade, business, profession, or occupation engaged in or carried on in the limits of said town, and to prescribe penalties against those who engage such without the payment of such license tax.

16. To suppress gaming, drunkenness, gambling houses, bawdy-houses, houses of prostitution, and disorderly houses of every character whatsoever; and to provide for the arrest and punishment of all common harlots found loitering within the limits of said town, or who may come within the limits thereof for the purposes of prostitution, or who may in any manner be guilty of any lewd or lascivious conduct within the limits of said town; and to provide for the punishment of any one who may rent any property to any person to be used for the purposes of prostitution, or who may suffer his, her, or their property, knowingly, to be used for such purposes within the limits of said town.

17. To erect, control, and regulate a work-house, and house of correction, and poor-house, whenever, in the judgment of the board, the public good shall demand same, and to make all needful rules for the government and management of either of said houses.

18. To elect, employ, or appoint such officers, agents, and servants as may be necessary for the well-being and good government of said town not otherwise provided for in this act, and to prescribe the duties, oaths, and obligations of such officers, agents, or servants.

19. To remove from office any officer provided for by this act, or any officer, agent, or servant that may be created by the board of trustees, for willful or corrupt misconduct in office, or willful failure, or neglect to discharge the duties required of him by this act, or by any ordinance of the board of trustees, or by the general laws of this Commonwealth. But no such removal shall be made until after charges and specifications have been filed against such officer, agent, or servant before the board, and ten days' notice of such filing given to the accused. If such charges and specifications be denied, or otherwise controverted by verified answer, the board shall, at such times as it may determine, giving reasonable time to procure the attendance of witnesses, proceed to hear the evidence both for and against the accused, and shall pass upon the guilt or innocence of the accused in the same manner that penal causes are tried in the courts of this Commonwealth. If the accused be adjudged to be guilty, his office, post, or employment shall forthwith be declared vacant. In cases tried pursuant to this subsection, the chairman shall have the same power to issue processes and to compel the attendance of witnesses that courts of record have. The board shall not exercise the power conferred by this subsection in any case provided for by the Constitution and general laws of this State; but in all cases so provided for, removal must be made in the manner so directed.

20. To fill all vacancies in any of the offices provided for in this act in such manner as they may provide by ordinance, unless otherwise provided for herein.

21. To pass such penal ordinances for the government of said town as, in their judgment, the public good requires, and to prescribe penalties for violations of same.

22. To have full and complete power and control over all streets, alleys, lanes, roads, highways, and the public square within the limits of said town, and may, by ordinance, prevent any and all obstructions into or upon same, and may cause such, whenever and wherever found, to be removed at the costs and expense of the person causing same.

23. To order and compel the owner of any lot or parcel of land within the limits of said town, which binds upon and adjoins any street, alley, lane, avenue, public road or highway, or public square, to grade and construct, at his own costs and expense, such sidewalks, with suitable gutters and culverts, as the board of trustees, having in view the public good, may, in their discretion, require; and if any such owner shall fail, for the space of three months after notice of the order therefor, to make such sidewalk, culverts, and gutters as the board may direct, or shall fail to begin same within the time aforesaid, and complete it in a reasonable time after the expiration thereof, the board may order same to be done at the costs and expense of said town, and the costs and expenses thereof, including the cost of collection, shall be, and same are hereby declared to be, a lien on such lot or parcel of land in favor of said town, which lien may be enforced by suit in equity in the circuit court of Whitley county; but no such suit shall be brought after the expiration of one year after the completion of such sidewalk, &c. The board shall not exercise the power granted by this subsection as against any property, the owner of which will not receive any benefit from [such] improvement, and when the making of such improvement will prove burdensome to the owner without increasing the value of the property, but in such cases, when the public good requires it, the board shall have same done at the expense of said town.

24. To alter, abolish, widen, extend, grade, pave, gravel, or otherwise, improve, clean, and keep in repair, any or all of the streets, roads, alleys, lanes, highways, and public square

now open to public use in the limits of said town as herein defined, and to lay out and cause to be opened such new and additional streets, alleys, avenues, lanes, highways, and public grounds as the public good may require, in such manner as the board may by ordinance prescribe; and whenever it may become necessary to acquire any land for any of the purposes aforesaid, or for any other municipal purpose, in said town, the board of trustees may, by order of record in their journal, direct any competent engineer or surveyor whom they may select to survey such land under the supervision of some member of the board, and to lay same off in the manner and for the purpose required by the board, and to report to it a fair map or plat of the land to be taken. If the owner shall refuse to donate same, and the board be unable to agree with him upon a price to be paid therefor, it may make an order on the journal and cause same to be served on the owner, offering him such a sum as the board may believe such owner ought to have for said land; and if the owner do not, within five days after the service of said order on him, accept the sum so offered, or, if the owner be an infant, married woman, or a non-resident of this State, or labor under any other disability, then the board may file a copy of their order taken from their journal directing such street, alley, lane, road, or highway to be opened, widened, straightened, or otherwise improved, and the plat of the land to be taken, and a copy of their order tendering compensation to the owner before the clerk of the county court of Whitley county, and cause notice of the filing of same to be executed on the owner, and at the next regular term of said court, beginning not less than five days after the service of said notice, may apply to said county court for a writ of *ad quod damnum* against such owner, which writ said court shall order to issue when called upon as herein provided; and thereafter the same proceedings shall be had in relation to said writ as is provided in the General Statutes for the condemnation of land for public county roads; the same rules and laws in relation to costs, manner of executing the writ, and payment of the damages awarded, shall be observed on the trial of such writ issued under the provisions

of this act, as upon the trial of such writs issued under the provisions of the General Statutes, except that on final hearing the damages awarded shall be paid by said town. If several owners are to be proceeded against at the same time, they may all be included in the same writ, which shall be executed by the marshal of said town in the same manner and under the same restrictions, and with same powers and effect, as sheriffs have in the execution of such writs issued under the general laws of this State: *Provided*, That if the owner be a non-resident, or his whereabouts be unknown, or labor under any disability, the service of the orders and notices provided for in this subsection shall not be required, but the board may file copies, plats, &c., before named in the office of the clerk of the Whitley county court; thereafter said court shall proceed by making warning orders, and appointing guardians *ad litem*, and other appropriate orders, to a final hearing of the case, as fully as such writs are heard under the General Statutes.

§ 10. The enforcement or exercise of any one or all of the powers granted to the board of trustees by this act shall be, by order or ordinance, entered upon their journal, which shall, in concise language, state the object and purpose to be accomplished, and in like manner direct its execution; and when it may be necessary to appropriate any money for the purpose of carrying out any of said powers, the board is hereby invested with full power to make such appropriation.

§ 11. Ordinances of a penal nature passed by the board of trustees, pursuant to the provisions of this act, shall be entered, according to dates and numbers, on a book to be kept by the board, to be styled "Penal Ordinances." The date of the passage of each ordinance must appear on the penal ordinance book, and each ordinance must be signed by the chairman of the board; after which, the said penal ordinance book shall be received in evidence in all courts of this Commonwealth in the same manner, and to the same extent, that other public records are received, and same shall, at all reasonable times, be open to the inspection of any one having an interest therein.

§ 12. The board of trustees shall make rules and regulations for its government, and shall prescribe penalties for violations of same, which penalties shall be enforced in the same manner that penal ordinances are enforced.

§ 13. The board shall have no power to suspend any order, rule for its own government, or penal ordinance, in any special case, or for the benefit of any particular person; nor shall it have any power to remit any fine or penalty for violations of any law, ordinance, or rule; and all penal ordinances passed by it, as provided in this act, which are not inconsistent with the Constitution and general laws of this State, are hereby declared to be valid and binding as fully, and to all intents and purposes, as if set out in full in this act; but the board may, at any time, repeal any penal ordinance or rule by a majority vote of all the members thereof.

§ 14. The board of trustees shall annually elect a clerk of the board of trustees, treasurer for said town, assessor, and street overseer, and may prescribe duties for each of said officers to perform, in addition to the duties that may be imposed upon them by this act or by the general laws of this Commonwealth. The provisions of subsection nineteen, section nine, article three, of this act, shall not apply to the clerk of the board of trustees and street overseer, but said officers shall be removed by the board at its pleasure. If at any time any one of said officers shall become unnecessary, the board may, for the time being, abolish same, and order the duties thereof to be discharged by some other officer. The board shall prescribe what salary, if any, such officers shall receive, and fix the time and manner of paying same, and shall take from each of them such bonds and obligations as the board may deem necessary to secure the faithful performance of their duties. All officers provided for by this act, except the judge of the police court, are hereby declared to be ministerial officers, and shall be liable to the same pains and penalties for willful failure to discharge their duties as such, or for willful corruption in office, that are imposed by the general laws of this State upon State and county ministerial officers for similar offenses.

§ 15. The board of trustees shall have the power, and it is hereby made its duty, to fill all vacancies in any of the offices provided for in this act, whether it be one elected by the board or by the qualified voters of said town, until the next regular time for electing such officers as fixed by this act.

§ 16. The provisions of this act are to be liberally construed so as to carry the intentions thereof, and so as to provide a good government for said town.

ARTICLE IV.

Executive and Ministerial.

§ 1. It shall be the duty of the chairman of the board of trustees of said town, who is hereby made the chief executive officer thereof, in addition to other duties imposed upon him by this act, to see that all laws and ordinances of said town are duly enforced by the proper officers; to report any and all failures of officers to discharge their duty to the board of trustees, and to direct charges and specifications against officers to be filed when, from his own knowledge, or from reliable information given him by others, he believes such officer to have been guilty of such misconduct in office as would warrant his removal. He shall approve all ordinances of a penal character, and shall see that same are correctly entered in the penal ordinance book, and shall sign same after entry therein, and do and perform such other duties as the board of trustees may from time to time prescribe for him. He shall have a vote in common with the other members of the board on all questions coming before it.

§ 2. The clerk of the board of trustees shall attend all meetings of the board, and shall be the custodian of its records. He shall keep a correct record in the journal of the board of all proceedings had in relation to the affairs of said town, and shall issue all orders for the appropriation of money out of the treasury, and shall attest same as clerk of the board. In like manner he shall issue all orders, rules, notices, precepts, and processes, of every character whatsoever, that may be ordered to issue by the board, and shall

attest them as clerk, which attestation shall be evidence in all cases wherein same may come in question. Before he enters upon the discharge of his duty he shall be sworn by the chairman of the board that he will well and truly perform his duty as such clerk according to law. He shall issue all licenses authorized by this act when so directed by the board of trustees, and shall do and perform any and all duties that may be required of him by any ordinance that may hereafter be adopted by the Board.

§ 3. The assessor of said town, within thirty days after the first day of April in each year, shall take and return to the board of trustees a true and perfect list of all property, real, personal, and mixed, within the limits of said town, subject to taxation under the provisions of this act, and a true and perfect list of all persons liable to a per capita tax under this act, together with such census report and statistics as the board of trustees may direct. His assessment and valuation of property will be made as of the first day of April in each year. He is hereby vested with same power to administer oaths, hear evidence, and fix valuations that county assessors have in making assessments for the purpose of State revenue. He shall report all who fail or refuse to give a list of their taxable property, or who fail to give any other list required of them, to the board of trustees, which may proceed against such delinquent, and recover of him such penalties as are denounced by general law against such as fail to give lists to county assessors, except that the proceedings against all such delinquents shall be in the Williamsburg police court, hereinafter provided for. The same rules as to costs and same penalties shall be imposed as in similar cases in county courts.

§ 4. It shall be the duty of the treasurer of said town to receive and safely keep all money belonging to said town, and shall pay same out on the order of the board of trustees, at such times and to such persons as it may direct. He shall keep a tabulated statement of all moneys received by him, showing when, from whom, and on what account same is paid into the treasury; and a like statement showing the amounts, to whom, and for what purpose, paid out. He

shall make reports from time to time as the board may require, showing the condition of the treasury of said town, and such other facts connected with his office as the board may require. Before he enters upon the discharge of his duty, he shall be sworn to faithfully execute the duties thereof according to law; and shall enter into bond with good sufficient surety, to be approved by the board of trustees, to the town of Williamsburg, conditioned that he will well and truly account for all money or property that may come to his hands by virtue of his office, and will pay same out according to law, and will make prompt settlement of his accounts, and pay over any balance thereon, at such times as the board may direct. He shall perform all other duties that the board of trustees may direct, at the time and in the manner directed.

§ 5. The duties of the street overseer, and such policeman and patrolmen as the board of trustees may from time to time appoint or elect, shall be prescribed by the board, and shall be performed under such pains and penalties as the board may prescribe.

§ 6. In addition to the foregoing executive and ministerial officers of said town there shall be elected, at the first election for trustees under this act, a marshal for said town, who shall be a resident of said town and twenty-one years old, and shall hold his office for and during two years after his election, and until his successor is elected and qualified. Before he enters upon the duties of his office he shall be sworn by the chairman of the board of trustees, and a note thereof made on their journal. He shall take the same oaths, and shall be liable to the penalties for violations thereof, that sheriffs by general law are required to take. He shall execute bond to the Commonwealth of Kentucky, with good and sufficient surety, to be taken and approved by the board of trustees, conditioned that he will well and truly perform his duty as such marshal, and will account for and pay over to the person or party entitled thereto all money or property that may come to his hands by virtue of his office, at such times and in such manner as the law requires. His bond

shall be recorded in the journal of the board of trustees, or upon book it may provide for such records, and the original shall be filed away and carefully preserved by the clerk of the board of trustees. Any person aggrieved by a breach of said bond may sue on same for the damages sustained, in any court in this Commonwealth having jurisdiction of the amount claimed, in the name of the Commonwealth of Kentucky, for his use and benefit, but at his own cost. Said bond may be put in suit as often as there is a breach thereof. Said marshal shall receive and promptly execute all orders, rules, notices, precepts, and processes that may issue or emanate from the board of trustees, which services shall be deemed and held to be *ex officio*, and all processes of every kind whatsoever that may issue from the Williamsburg police court; and may take and approve all bonds that may be required of any one accused of any penal offense, or contempt of court, for his appearance in said court; and may take and approve all bonds authorized by law that may be required to be taken in the progress of any civil action, pending in said court, except such as by law are required to be taken in open court or by the judge thereof. He may receive, but shall be bound to do so, and execute any and all processes, of every character whatsoever, that may issue from any of the courts of Whitley county; and is hereby invested with all the powers that, by existing laws, constables and sheriffs have in the execution of processes; and may take any and all bonds that sheriffs and constables in similar cases may take, with the same effect as if taken by a constable or sheriff. If he receive any processes from any of the courts of said county which he is not bound by this act to receive, it shall be his duty to use the same diligence in its execution as if issued from the police court; and any failure to discharge his duty in respect to any such processes, shall make him liable to the same pains and penalties that sheriffs and constables in similar cases are liable to. He shall be the collector of all taxes levied and ordered to be collected by the board of trustees, except license taxes, and is hereby invested with all the powers, in the collection of the taxes of said town, that sheriffs have in the collection of the State

revenue and county levy; and is hereby made liable to the same pains and penalties as are denounced by law against sheriffs for illegal levy, or distraint for taxes, or any other failure to discharge his duty in relation thereto. He shall collect and pay over all taxes levied by the board of trustees in such time and manner as the board may require, and shall be liable on his bond for any failure so to do. He shall do and perform all other duties that may be required of him by the board of trustees, and shall be liable on his bond for any failure so to do as fully as if such duties were set out herein: *Provided*, The duties so required are not inconsistent with the Constitution and general laws of this State.

ARTICLE V.

Judiciary.

§ 1. The judiciary power of said town shall be, and is hereby, vested in a court to be styled Williamsburg police court, which shall be held by a judge to be styled judge of Williamsburg police court, who shall be elected by the qualified voters of said town at the first election for trustees under the provisions of this act, and shall hold his office for and during the term of four years, and until his successor is elected and qualified. No one who is not eligible as a member of the board of trustees shall be elected to or hold the office of police judge.

§ 2. Said court shall be a court of record, and is hereby invested with all the powers that other courts of record in this Commonwealth have, which may be necessary to carry its processes, precepts, orders, and judgments into effect, except that in cases of contempt no greater punishment than a fine of five dollars (\$5) and ten (10) hours' imprisonment shall be imposed. Said court shall have original jurisdiction co-extensive with the limits of Whitley county in all civil actions, both at law and in equity, in which the amount in controversy, exclusive of interest and costs, does not exceed two hundred dollars (\$200), except as otherwise provided in this act, which jurisdiction shall be concurrent with other courts in said county having jurisdiction of causes within the limit before named. The processes and

proceedings in said court in all civil actions shall be the same and have the same effect as such processes and proceedings have in other courts of record in this Commonwealth, except that all processes shall be directed to the marshal of the town of Williamsburg; but they may be executed with the same effect by the sheriff, jailer, coroner, or any constable of Whitley county. The judge of said court shall have concurrent power with the judge of the county court of Whitley county to grant injunctions, attachments, writs of *habeas corpus*, and orders for the sale of attached property in the absence of the circuit judge from said county. In all cases in which he may issue a writ of *habeas corpus*, same shall be returned for trial before him if all the officers mentioned in subsection one, section three hundred and ninety-nine, of the Criminal Code of Practice, be absent from the county at the time of trial.

§ 2. The regular terms of said court shall begin on the second Monday in each month, and continue not longer [than] five days, except the months in which the Whitley circuit is held, in which months no term of the police court shall be held. Said court shall be held at the same place provided for the holding of the circuit courts of said county.

§ 3. In all civil cases in which the amount in controversy is fifty (\$50) dollars or more, the proceedings in said court shall be in every respect the same as in the circuit court; and in cases in which the amount is less than fifty (\$50) dollars, the proceedings shall be by warrant similar in all respects to the warrants issued by judges of quarterly courts.

§ 4. Said court shall have exclusive jurisdiction over all violations of the penal ordinances of said town, and shall have original jurisdiction concurrent with the circuit court of said county, but exclusive of justices of the peace, and of the county judge within the limits of said town, over all misdemeanors of every kind and character whatsoever, as same are laid down and defined in the General Statutes and Criminal Code of Practice of this Commonwealth; and shall have original jurisdiction co-extensive with the limits of Whitley county, outside of the limits of said town, concurrent with justices of the peace and county judge and the

circuit court of said county over all offenses which are now by law within the jurisdiction of justices of the peace. The judge of said court shall be a conservator of the peace, and shall have the same power as such that county judges have. He shall have the same jurisdiction as an examining court that judges of county courts by existing laws have, and shall be governed in every respect as an examining court by the laws governing county judges in holding such courts.

§ 5. All prosecutions in said court shall be by warrant in the name of the Commonwealth of Kentucky, which must concisely state the offense charged, and the acts constituting the offense, and whether the offense is one against a statute or ordinance of the board of trustees of said town. All warrants issuing from said court, whether civil or penal, shall be returned for trial in said court.

§ 6. The judge of said court shall be the clerk thereof, and shall issue all processes, and do all other acts as such that may be necessary to effectuate the jurisdiction of said court in the same manner and under the same restrictions as are imposed by law on judges of quarterly courts.

§ 7. All prosecutions in said court shall be returned for trial at the next regular term thereof, beginning not less than three days after the service of the warrant, except as otherwise provided in this act. The judge of said court shall, at the time of issuing any process for the arrest of any one accused of a penal offense within the jurisdiction of said court, by indorsement on the process, fix a sum in which bail may be given; and the officer executing such process is hereby vested with the same power to take bail bonds in such cases as sheriffs have in cases of bench warrants from the circuit court. All bonds so taken shall be as valid and binding, and in cases of forfeiture shall take the same course in the said police court that similar bonds take in the circuit; but if the accused, when arrested, be unable to give bail, or refuse to do so, the officer making the arrest shall immediately, or as soon as practicable, take such accused before the judge of said court, who shall proceed immediately to the trial of the charge, giving reasonable time to the accused and Commonwealth to procure the

attendance of witnesses; and all trials so had, and judgments rendered thereon, shall be as valid for all purposes as if had at a regular term of said court.

§ 8. When from any cause the judge is absent at any term of said court, or the office of said judge is vacant, or if he be present and cannot properly try any cause therein pending; or, if any party to a cause, civil or penal, pending therein, shall file his affidavit stating that he does not believe the judge of said court will afford him a fair and impartial trial; in all such cases a special judge, having the qualifications of a regular judge, shall be elected, in the same manner that special judges in circuit courts are elected. The clerk of the board of trustees, or, in case he is absent, or his office be vacant, the chairman of the board of trustees, shall hold all elections for special judge, as provided for in this section, and shall give the deciding vote in case of a tie. In case there is no election, or the person elected fail or refuse to act, this fact shall be immediately certified to the chairman of the board of trustees, who shall immediately call a meeting of the board, which shall at once elect a special judge to take the place of the regular judge for the term, or for the trial of such causes as he cannot try, as the case may be. The special judge elected under the provisions of this section shall have all the powers of the regular judge during the time he acts as such.

§ 9. Appeals may be taken from judgments rendered by said court to the circuit court of Whitley county, and thence to the Superior Court or Court of Appeals, as the case may be, when the amount in controversy is sufficient, in all cases in which the amount in controversy is twenty dollars or more, exclusive of interest and costs, under the same restrictions and limitations provided in title sixteen, chapter two, of the Civil Code of Practice, regulating appeals from judgments in justices' and quarterly courts. Chapter two, title nine, of the Criminal Code of Practice shall regulate appeals from judgments rendered in said court in penal cases.

§ 10. The said court shall have the same power to continue causes, take recognizances of witnesses or bail, take all bonds and obligations, that circuit courts in similar cases

have, and shall, in every respect, be governed by the Civil and Criminal Codes of Practice, except as otherwise directed in this act.

§ 11. When an execution issued upon any judgment in a civil or penal cause tried in said court is returned by a proper officer, in whole or in part, in substance no property found to satisfy same, the judge of said court, on the application of plaintiff or his attorney, in a civil action, and on application of the chairman of the board of trustees or county attorney in a penal cause, shall furnish a copy of the judgment, execution, and return, which, on being filed in the office of the clerk of the Whitley circuit court, shall be by him recorded in the book kept for recording such records from justices' courts and quarterly courts, and thereupon the plaintiff shall have the same remedies for the amount of the judgment and costs, including the costs of recording said copy and costs certified therein, as if the judgment had been rendered in said circuit court.

§ 12. It shall be the duty of said judge, at the trial of all penal offenses in his court, to ascertain and state in the judgment rendered, if the accused be convicted, whether or not the offense was committed within the limits of said town as defined in this act. If committed within said limits, the judgment shall direct the fine imposed to be paid to the treasurer of said town, for the use and benefit of said town; in all other cases he shall collect, or cause the fine to be collected and accounted for as such fines are accounted for by justices of the peace and county judges.

§ 13. Said police judge shall have no jurisdiction in civil cases involving the title to any real estate, nor for the enforcement of any lien thereon; and in all actions begun in said court, if the title to any real estate become in any manner involved, or it appear that an adjudication upon the question of title be necessary to a final settlement of the controversy, said court shall make an order transferring such cause to the Whitley circuit court, and shall immediately, or as soon as practicable, file all the papers in the case, together with a transcript of all orders made therein in the police court, in the office of the clerk of the Whitley

circuit court; thereupon said case shall proceed in said court as if originally brought therein.

§ 14. Said police court shall be furnished with all necessary record-books, such as used and required by judges of quarterly courts, which books shall be paid for out of the treasury of said town on the order of the board of trustees, made as other orders appropriating money out of said treasury.

§ 15. In all actions for the recovery of money or property, begun in said police court, in which the amount in controversy is fifty (\$50) dollars or more, the judge of said court shall collect from the plaintiff in such action, at the commencement thereof, a tax of fifty (50) cents, which shall be paid by him into the treasury of said town for the use and benefit thereof.

§ 16. The police judge of said town shall be commissioned as such in the same manner that justices of the peace are commissioned, and shall execute bond as such as provided by general law. He shall enter upon the duties of his office as soon as he receives his commission and is qualified as such.

§ 17. Said police judge shall have the same power to take and certify depositions, and to administer oaths generally, that county judges in this State have.

ARTICLE VI.

General Provisions.

§ 1. The police judge of said town, for his services as such in all civil actions tried in his court, or begun therein and transferred to the circuit court, shall be allowed to charge and collect the same fees as are allowed by law to judges of quarterly courts in similar cases. He shall have the same remedies for, and proceed in the same way to, the collection of his fees as are allowed by law to other officers of this State in similar cases. In all penal cases tried before him, he shall be allowed to charge and tax as costs against the party accused, if he be convicted, a fee of one (\$1) dollar for presiding at the trial, and such other fees as are allowed by law to justices of the peace and county judges in similar

cases. For holding examining courts he shall have the same fees, to be paid in the same way, that county judges are allowed.

§ 2. The marshal of said town, in all cases, both civil and penal, shall be allowed to charge and collect the same fees that sheriffs, by existing laws, are allowed to charge and collect for similar services. He shall have the same remedies in the collection thereof that sheriffs have. He shall have a commission of ten (10) per centum on all taxes collected by him, and the same commission for collecting debts on executions and fee-bills that sheriffs in similar cases are allowed, and for all *ex officio* services rendered by him for said town, or under any ordinance of the board of trustees, he shall be allowed, out of the treasury of said town, a sum not exceeding two hundred (\$200) dollars per annum, unless the board of trustees, by unanimous vote, agree to allow him a greater sum, in which case he shall have and receive the sum agreed to by the board.

§ 3. The county attorney of Whitley county is hereby made the prosecuting attorney in said police court, and shall have the same fees that by existing laws he is entitled to receive in similar cases in other courts of said county, except in prosecutions for offenses committed within the limits of said town. If the party accused be convicted, and the judgment be for a fine less than ten (\$10) dollars, he shall have taxed, as part of the costs, an attorney's fee of two dollars and fifty cents.

§ 4. The salaries of all other officers, agents, and servants of said town shall be fixed by the board of trustees, and paid at such times and in such manner as the board may direct.

§ 5. The laws in relation to adjudging costs and the taxing of same, and the laws in relation to the collection of fees, as same are laid down in the General Statutes and Codes of Practice, shall govern the said police court and all officers mentioned in this act, except as otherwise herein provided.

§ 6. The marshal of said town shall be the chief police officer thereof, and shall have the same power to summon

any and all citizens of his county to his assistance that sheriffs in similar cases have. He shall at all reasonable times be on the public square or streets of said [town], and shall arrest all persons found by him violating any of the laws or ordinances of said town, or any law of this State, without a warrant from any officer directing such arrest; but in all such cases he shall, as soon as is consistent with his other duties, take the offender before the police judge, who shall thereupon issue a warrant for the trial of such offender, as in other cases; and if the offender be unable to give bail, or refuse to do so, for his appearance at the next term of the police court for trial, he shall be committed to jail until such time as a trial can reasonably be had. In like manner any offender who may be arrested under process from said court, who may be unable to give bail, or refuse to do so, shall be committed to jail until such time as a trial can reasonably be had; but in either case, the officer making the arrest may retain such offender in his custody if he choose to do so, but shall not be required so to do.

§ 7. The said police court shall have the same power to require security to keep the peace, or for good behavior, as circuit courts have, and in the trial of such cases shall be governed by the Criminal Code of Practice.

§ 8. The provisions of the General Statutes and Codes of Practice of this Commonwealth shall govern the said police court and all other officers mentioned in this act, in all cases and in all proceedings not otherwise directed in this act.

§ 9. The board of trustees of said town shall submit any ordinance, or question affecting the interest of said town, to a vote of the qualified voters thereof at any annual election, when petitioned so to do by not less than ten citizens of said town; and shall, after such vote is taken, be governed thereby in their future action in relation to the ordinance or question submitted.

§ 10. All male citizens over the age of twenty-one years, who have been *bona fide* residents of said town as herein defined and limited, for six months next preceding the election, and all persons who own real estate in the limits of said town, subject to taxation under this act, residing without

said limits, but in Whitley county, shall be allowed to vote at any election for the officers provided for by this act.

§ 11. All elections held under the provisions of this act shall be held by the chairman of the board of trustees as judge thereof, and the clerk of the board of trustees as clerk thereof, who shall issue certificates of election to those who may receive the highest number of votes, which certificates shall entitle those holding them to exercise and discharge the duties of the office named therein, except in the case of the police judge, who shall forward his certificate of election to the Secretary of State; and thereupon the Governor shall issue a commission to said police judge as in other cases of commissioned officers. In case of vacancy in the office of police judge, the board of trustees shall elect some one to fill out the entire unexpired term, and shall forward to the Secretary of State a certificate thereof, made out and signed by the chairman and clerk of the board, and thereupon the Governor shall issue a commission to the person so elected to fill the unexpired term in the same manner that other commissions of like kinds are issued.

§ 12. In case the chairman of the board of trustees and clerk, or either, is a candidate for any office, at any election under this act, the election shall be held by such persons as the board of trustees may appoint for that purpose, with the same effect as if held by the chairman and clerk of the board.

§ 13. When charges and specifications of misconduct on the part of any officer of said town shall have been filed, as herein provided, such officer shall not act as such pending the charge, but in all such cases the board of trustees shall direct some other officer or person to do the duties of such officers until the charges are disposed of or a successor is elected.

§ 14. If at any time the board of trustees be unable to find any one qualified and eligible to fill any vacancy in any of the offices mentioned in this act, other than that of police judge, or if any of such officers be temporarily absent, the board may appoint one of its own members to act as such officer during such absence or vacancy, who shall do all

the duties and have all the powers of a regular officer during the time he acts.

§ 15. The present board of trustees of said town, as heretofore defined, shall continue in office and do all the duties of trustees of said town as herein defined until the first election under this act, and until their successors are elected and qualified.

§ 16. All acts or parts of acts in relation to said town are hereby repealed, except such acts and laws as relate to the sale of spirituous, vinous, and malt liquors within said town, or within one mile of the court-house therein, which acts and laws are continued in full force.

§ 17. This act shall take effect and be in force from and after its passage.

Approved February 9, 1884.

CHAPTER 130.

AN ACT to amend an act, entitled "An act to empower the county court of Grant county to make subscriptions to the capital stock of turnpike roads in said county," and the amendments thereto, and to authorize said county court to issue bonds to raise funds to pay said subscription.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Grant county, composed of the presiding judge and a majority of the justices of the peace thereof, is hereby authorized, by proper orders of said court, to cause to be issued, from time to time, as they may think necessary, bonds of said county in any amount they may deem expedient, in order to raise a fund with which to pay off any subscription they have or may hereafter make to the capital stock of turnpike roads in said county. Said bonds shall be issued in amounts of not less than one hundred dollars each, and shall run for such length of time as the court may direct, not exceeding twenty years from the date of the issual of such bond or bonds, and shall be payable within the period for which such bond or bonds may be issued, at the pleasure of the said county court; they shall bear interest not exceeding six per cent. per annum,

and the interest shall be payable annually, and said bonds and interest shall be made payable at the treasurer's office in Williamstown in said county; said bonds shall be issued, each with interest coupons attached to the end thereof, in number equal to the number of years said bond or bonds run, and each for the amount of one year's interest on said bond. Said coupons shall be numbered one, two, three, etc., representing each year's interest on said bond; that said coupon shall in substance conform to the following form: "Williamstown, Kentucky, — day of —, 18—. Interest on Grant county bond number — for the year ending the — day of — 18—. § —." That each of said coupons shall be signed by the presiding judge of said county and attested by the clerk thereof. That each of said bonds shall be signed by the presiding judge of the county court and attested by the clerk thereof with the seal of said court affixed.

§ 2. That as soon as the said court, composed of the presiding judge and a majority of the justices of the peace of said county, shall, from time to time, as they may deem expedient, pass an order directing the issuing of the bonds herein authorized, it shall be the duty of the county judge and county clerk of said county to cause said bonds to be printed and duly executed, and to sell the same at any rate not less than their face, exclusive of coupons; and when said bonds, or any part thereof, are sold by them, the proceeds thereof shall be by them immediately paid into the treasury of said county; and it shall be their duty to report to said county court, from time to time, as they may sell and dispose of said bonds, giving the number and amount of bonds sold, and the name of the purchaser thereof, together with the receipt of the treasurer of said county for the proceeds thereof, which said report shall be recorded in the clerk's office of said county.

§ 3. That when said bonds, or any part thereof, shall be sold, and the proceeds thereof shall be paid into the treasury of said county, and the receipt of the treasurer therefor shall be entered of record in said court, it shall be the duty of the county court, by order entered upon the records of

said court, to direct the treasurer, out of said fund, to pay off and discharge any subscription to the stock of any turnpike road company in said county then owing and past due, and to take a receipt therefor, and to report his disbursements of said fund to said court at least twice a year or oftener as the court may require; which said report, upon the examination and approval of said court, shall be spread upon the records of the Grant county court, in a well-bound book, which shall be furnished by the said court for that purpose.

§ 4. That it shall be the duty of the clerk of said court, upon the issuing of said bonds, and before the sale and delivery thereof, to register said bonds and coupons thereto attached; and the coupons and bonds, when directed to be paid by an order of the court, certified by the clerk thereof to the treasurer of said county, shall be authority to him to pay any such bond or coupon ordered to be paid by said court; and it shall be the duty of the treasurer, upon the presentation of such certified order, accompanied by any bonds or coupons so ordered to be paid as aforesaid, to pay off and take up the same; and it shall be his duty, in a separate report from his regular report, to report and deliver to said court, when composed of the presiding judge and a majority of the justices of the peace of said county, all bonds and coupons paid by him; and it shall be the duty of said court, after it shall receive and approve said report, to cause the same to be recorded by said clerk; and the said court shall cause all such bonds and coupons so paid off and reported to them to be burned in the presence of said court, when composed of a majority of the justices of the peace of said county; and they shall cause the numbers and amounts of said bonds and coupons, so burned as aforesaid, to be entered of record in the order-book of said court.

§ 5. That said county court, a majority of the justices of the peace being present and acting, shall require the county judge, county clerk, and treasurer, to give such bonds and security for the faithful performance of their duties under this act, as in their judgment may seem proper, so as to secure a faithful performance of their respective duties under

this act, which said bonds shall be executed and approved by the court, from time to time, as said court in its discretion may for any reason deem necessary. Before any or either of said officers shall attempt to sell or dispose of any of the bonds provided for under this act, they shall execute the bond required of them or either of them by this section.

§ 6. That if any of the officers authorized by this act to sell and dispose of the county bonds provided for under this act, before he executes the bond required of him by this act, shall sell or otherwise dispose of said bonds, or any of them, or shall, after he shall have executed such bond in violation of the trust or duty imposed on him by this act, willfully misapply, misappropriate, conceal, use, or loan, or otherwise wrongfully and fraudulently dispose of said bonds, or any of them, or the proceeds thereof, or any part thereof, for his own use or the use of another, with intent to deprive the county of the same, or any part thereof, for the benefit of the wrong-doer, or any other person or persons, such person or persons so offending shall be deemed guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary not less than one nor more than five years.

§ 7. That all sales of bonds issued under this act shall be reported by the officers intrusted with the sales thereof to the Grant county court, which, when approved by said court, shall be recorded in the clerk's office of said court by the clerk thereof in a well-bound book, with the name of the purchaser or purchasers of said bond or bonds, together with the number and amount thereof, and when due, and the residence of such purchaser. Said bonds may be transferred and assigned by indorsement and delivery; but said transfer shall not prejudice, but shall be subject to any set-off, counter claim, or equity which the county may have against the assignor, until said transfer has been approved by said court and noted of record in its order book.

§ 8. That the tax authorized to be levied and collected by the act to which this is an amendment is hereby sacredly set apart to pay the expenses of collecting, managing, and disbursing the same, and for the purpose of creating a sinking fund to pay off said bonded indebtedness hereby authorized

to be created, both principal and interest, and for no other purpose whatever; that when said levy is made by said county court, from time to time, it shall be the duty of the county clerk to prepare a separate column in the tax-book for said county, showing the amount of turnpike tax to be collected by the collecting officer; and the net amount of said sinking fund tax, when collected, shall be by the collecting officer of said county paid, as hereinafter directed, into the treasury of said county. The treasurer shall hold said turnpike sinking fund tax secure for the payment of the principal and interest of the turnpike bonded indebtedness authorized under this act as aforesaid. In paying said fund to the treasurer of said county, the sheriff shall designate the same as turnpike sinking fund tax. The county court shall have no authority to appropriate said fund, or any part thereof, for any other purpose than the payment of the bonds and coupons herein authorized to be issued.

§ 9. That it shall be the duty of the sheriff or county collector, on the first day of October in each year, and every sixty days thereafter, under oath, to report to the county treasurer the amount of turnpike sinking fund taxes he has then collected, and pay the same over immediately; and he shall account for and pay into the county treasury, by the first day of April in each year, all the turnpike sinking fund tax for which he is bound, and upon his failure to do so, he and his sureties shall be liable therefor, and may be proceeded against in the same manner as is now authorized by law for failure to pay over county revenues; and it shall be the duty of the county attorney to institute and prosecute against said officer and his sureties the appropriate proceedings for the recovery of said tax and damages thereon.

§ 10. That it shall be the duty of the county court to redeem said bonds in the order in which they are issued, commencing at number one, and continuing numerically and regularly until the last number has been redeemed.

§ 11. That when the county court has money enough in the treasury to pay off any or all of said bonds and coupons, and directs payment thereof, it shall cause the treasurer of said county to notify the holders of said bonds, by publica-

tion in any paper published in Grant county, by at least four weekly insertions in said paper; and if no paper be published in said county, then by such publication in any authorized newspaper published in the city of Covington, or by written notices directed to the holder at his post-office, to present such bond or bonds for payment, giving the number, amount, and time said bond runs, which is desired to be redeemed; which said notice shall designate a day on which said bonds are to be presented for payment; and should the holder or holders thereof fail to present said bonds for payment at the time specified in said notice, interest upon said bond or such of them as shall not be presented, shall cease to be paid by said county on said bonds from the day so fixed for payment as aforesaid.

§ 12. That it shall be the duty of the sheriff of said county, or, upon his failure, of the county collector, to execute bond, with good security, for the collection and proper disbursement of the said turnpike sinking fund tax, which said bond shall be executed at the same time that the sheriff is required to execute bond for the collection of the State revenue.

§ 13. That all property in Grant county which is by law subject to seizure and sale for the State revenue, shall be liable to seizure and sale for the said sinking fund tax.

§ 14. That the county court clerk shall be entitled for the services required to be performed by him under this act the same fees which are allowed him by law for similar services, to be paid out of the said sinking fund tax.

§ 15. That it shall be the duty of the county judge, on the first Monday in October of each year, to audit and settle the accounts of the county treasurer on account of said fund, and report the same, at the next succeeding court of claims, for confirmation or correction, which, when approved by the court, shall be recorded by the clerk thereof.

§ 16. That the county treasurer, for receiving, preserving, and disbursing said fund, shall be entitled to commissions thereon not less than one or more than two per cent.

§ 17. That the sheriff shall be allowed for collecting and paying into the county treasury not less than three nor more than four per cent. on the fund so collected and paid over by him.

§ 18. That it shall be the duty of all non-residents of this county, and of the State of Kentucky, who own property in the county of Grant, and the trustees of the Cincinnati Southern Railway, and all railroads located in or through said county, holding, owning, or controlling property in said county subject to taxation by virtue of the act to which this is an amendment, to pay to the sheriff of said county, on or before the first Monday in September, one thousand eight hundred and eighty-four, and on the first Monday in September of each year thereafter, all tax or taxes which may have been, or may be hereafter, levied or assessed upon the said property so held, owned, managed, or controlled by them or any of them. That in case the said persons and railroads, or any or either of them, shall fail or refuse to pay the said taxes so levied and assessed against them, as aforesaid, to the sheriff of said county, on or before the day fixed by this section for payment, the person or persons, railroad or railroads, so failing or refusing to pay as aforesaid, shall be liable to be proceeded against by suit or suits for said taxes, and damages thereon at the rate of fifteen per cent., in the name of the Commonwealth of Kentucky, for the use and benefit of the Grant county court, in any court having competent jurisdiction; and it shall be the duty of the county attorney to institute and prosecute said suits to their final termination.

§ 19. This act shall take effect from and after its passage.

Approved February 9, 1884.

CHAPTER 131.

AN ACT for the benefit of Wm. A. Dixon.

WHEREAS, George Dean was guilty of the crime of horse-stealing, committed in Henry county, Kentucky, and was arrested for said crime in Garrard county, Kentucky, by Wm. A. Dixon, a constable of Henry county, who had in

his hands a warrant for his apprehension, and was taken to and lodged by said Dixon in the county jail of Henry county; and whereas, said Dean, after waiving an examining trial before the judge of Henry county, was held over on bail to appear before the next grand jury for Henry county, and afterwards, and before the meeting of said grand jury, said Dean was pardoned by the Governor, and said Dixon, who had lost time and money, and been put to trouble in arresting and conveying to jail said Dean, thereby prevented from receiving the reward offered for the conviction of persons guilty of horse-stealing; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is directed to draw his warrant on the State Treasurer in favor of Wm. A. Dixon for fifty dollars, to be paid out of any money in the State Treasury, not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved February 9, 1884.

CHAPTER 132.

AN ACT to amend the charter of the Jersey Ridge Turnpike, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved March eleventh, one thousand eight hundred and seventy-six, incorporating the Jersey Ridge Turnpike Road Company, be, and the same is, amended as follows: It shall be lawful for the county court of Mason county, by an order entered of record, to appoint the superintendent of the Jersey Ridge Turnpike Road overseer of the road district through which it runs, and to require the tax-payers in said districts to work out or pay their road tax on this turnpike as if it were a public county road.

§ 2. Should the road tax be insufficient to keep this road in repair, it shall be lawful for the county court of said county to levy and collect an annual tax on the lands along

the line of it, and on each side, and within one-half mile of it, not exceeding ten cents on each one hundred dollars' worth of property assessed for State taxation, for the purpose of keeping the same in repair: *Provided*, That this tax shall not be levied until a majority of the owners of the land subject to this tax petition the court in writing to levy and collect the same: *And provided further*, That when this tax is levied, collected, and used in keeping said road in repair, it shall be unlawful to charge or collect toll for travel upon it, but all travel upon it shall be free.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 9, 1884.

CHAPTER 133.

AN ACT for the benefit of R. H. Gray, of Woodford county.

WHEREAS, One James Wise was charged with the crime of horse-stealing in the county of Woodford, and was arrested by R. H. Gray in Franklin county, Kentucky (near Peak's Mill), and was delivered by said Gray to the jailer of Woodford county; and whereas, the said James Wise was indicted by the grand jury of Woodford county for the crime of horse-stealing, and, at the April term of Woodford circuit court, one thousand eight hundred and eighty-two, was tried on said indictment and convicted of the crime therein charged—that of horse-stealing; and whereas, after conviction, the plea of insanity was set up, and the said James Wise was adjudged insane and sent to the asylum at Lexington, Kentucky, thus preventing the said R. H. Gray, who had lost time, money, and been put to much trouble, from collecting the reward offered for the conviction of persons guilty of horse-stealing; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is directed to draw his warrant on the State Treasurer in favor of R. H. Gray for fifty dollars, to be paid out of any money not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved February 9, 1884.

CHAPTER 134.

AN ACT for the benefit of J. L. Richards, committee for Thomas Coons, a pauper idiot, of Clark county.

WHEREAS, The State pays seventy-five dollars per annum for the support of pauper idiots, and the law requires the idiot to be brought into court every five years and a new inquest held; and whereas, said Coons' time expired in November, one thousand eight hundred and eighty-two, and no inquest was held until March, one thousand eight hundred and eighty-three, and he consequently lost four months' time; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and is hereby, authorized and directed to draw his warrant on the treasury in favor of J. L. Richards, committee for said Thomas Coons, of Clark county, for the sum of twenty-five dollars, which sum is hereby appropriated to said Richards for the benefit of said Coons, out of any money in the treasury, not otherwise appropriated.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 9, 1884.

CHAPTER 135.

AN ACT to amend an act to enable the county court of Bracken county to issue bonds for turnpike purposes, and to provide for their payment, approved January twelve, one thousand eight hundred and seventy-eight.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act to enable the county court of Bracken county to issue bonds for turnpike purposes, and to provide for their payment, approved January twelve, one thousand eight hundred and seventy-eight, be, and the same is so amended, as to authorize the county court of said county to fund said bonds at any rate of interest not exceeding six per cent. per annum, payable annually, and for a term of not less than two nor more than five years; and that said

debt, when funded, shall be issued as a part of the county debt proper, and subject to all the regulations for the issuing, and paid in the same way, as the county bonds proper of said county.

§ 2. That any surplus of the turnpike levy of any year, for which an order has not been made for its payment on a completed mile of turnpike, before the May term of the county court in each year, must be by the sheriff paid over to the treasurer of board of commissioners of the sinking fund of Bracken county, and by said board of commissioners of the sinking fund used in the payment of the debt and interest of said county.

§ 3. This act shall take effect from and after its passage.

Approved February 9, 1884.

CHAPTER 136.

AN ACT to prohibit the sale of intoxicating liquors in the counties of Bell, Harlan, Perry, and Leslie.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person or persons to sell or vend, directly or indirectly, any spirituous, vinous, or malt liquors, or any mixture thereof, in Bell, Harlan, Perry, or Leslie counties; and the county court of each of said counties is hereby prohibited from granting license to any person or persons to keep a saloon or tavern, with the privilege of selling or vending such liquors in either of said counties.

§ 2. Any person violating the provisions of this act shall be deemed to have been guilty of a high misdemeanor, and, upon indictment of a grand jury, and conviction thereof, shall be fined any sum not less than one hundred dollars, nor more than two hundred dollars.

§ 3. This act shall not prohibit manufacturers from selling such liquors in quantities of twenty gallons or more; but no manufacturer, or other person or persons, in either of said counties, shall sell a less number of gallons; and if such manufacturer, person or persons, shall (after so selling

in quantities of twenty gallons or more) suffer or permit such intoxicating drink, or any part thereof, to be drank on the premises, or within one mile thereof, he or they shall be deemed to have violated the provisions of this act.

§ 4. That the fines thus assessed and recovered shall be collected as other fines, and shall inure to the benefit of the common school fund of the county in which the offense was committed; and shall be paid over to the common school commissioner of such county, who shall be liable, on his official bond, for the faithful application of the same to school purposes, and for failure, shall be proceeded against as now provided by law.

§ 5. Any male person who may be placed in the county jail of such county on a *capias pro fine*, for failure to pay any fine adjudged against him under the provisions of this act, shall be put at hard labor on the streets of the county site of the county in which the offense was committed, or upon any public building in the county, or public roads thereof, under control of the jailer during his confinement; and while such convict is not at hard labor, the jailer shall confine him in jail, under the lock thereof; and if he fail to discharge this duty, he shall, upon indictment and conviction thereof, be fined one hundred dollars for each offense, and said fine shall be collected, and the proceeds of same be disposed of, when collected, as aforesaid.

§ 6. All laws in conflict with the provisions of this act are hereby repealed.

§ 7. This act shall take effect from and after the first day of June, one thousand eight hundred and eighty-four.

Approved February 9, 1884.

CHAPTER 137.

AN ACT to incorporate the Meade County Deposit Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a bank of deposit in the town of Brandenburg, and the subscribers, their associates, successors, and assigns, shall be a body-politic and cor-

porate, by the name and style of the Meade County Deposit Bank; and shall have power to contract and be contracted with, of suing and being sued, of impleading and being impleaded, and of answering and defending, in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

§ 2. The capital stock of said bank is limited to fifty thousand dollars, to be divided into shares of one hundred dollars each, and said corporation shall commence business so soon as one hundred and fifty shares of its capital stock shall have been subscribed for and paid in, and the president or cashier shall have made oath to the fact of such subscription and payment before some judge, justice, or notary public, and the same recorded in the office of the clerk of the Meade county court.

§ 3. That said bank may be under the control and direction of three or more directors, to be elected by the stockholders, and shall serve one year, or until their successors shall be elected. The directors may select annually a president from their number. The stockholders may meet and elect the said three or more directors when five hundred shares of the capital stock shall be subscribed for and paid in. R. C. Craycroft, Mc. H. Meador, Richard Wathen, M. Syddan, Paul. E. Buren, John H. Trent, Andrew J. Greenwell, Joshua Lancaster, Daniel Brooks, Franklin Ditto, Jas. W. Lewis, and James L. Fairleigh, or any one or more of them, may, at such time or times, place or places, as they may deem proper, open books for subscription to the capital stock of said bank and receive the same.

§ 4. That after the said corporation shall have been organized as herein provided, the directors shall have power to receive subscriptions for so many shares of the capital stock of said bank, not theretofore subscribed for, as they may at any time deem expedient, until the full amount of fifty thousand dollars shall be subscribed. The said directors shall have power to declare dividends of the profits arising out of the business of said bank, to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and to pay them such

sums as wages or salaries, and to take from them such bonds as to secure the faithful performance of their duty, as they may think reasonable and proper. In case of the death or resignation of any director, the vacancy may be filled by the board of directors. The stock shall be deemed personal property, and shall be assignable only on the books of the bank, upon such rules as the board of directors shall, from time to time, establish; but said corporation shall have a lien upon the stock to secure any indebtedness by the stockholder, as principal or otherwise, to said corporation. The individual stockholders shall not be responsible for the contracts of said corporation.

§ 5. That said bank may transact a financial business as a natural person; may loan money, discount promissory notes, bills of exchange, or other evidence of indebtedness; may buy and sell gold and silver coin, exchange, stocks, or other securities, and all other evidences of indebtedness, and may do a general banking business, except only that it shall not have power to issue notes of its own. The promissory notes or bills of exchange made negotiable and payable at its banking-house, or at any other banking house, when discounted by this bank, shall be, and hereby are, put upon the same footing as foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the makers, drawers, and indorsers. The said bank may receive in pledge, or as security for money loaned or debts owing it, bonds, stocks, produce, merchandise, and sell the same on the non-payment of the debt or demand by ordinary course of judicial proceedings.

§ 6. That said bank may receive deposits of gold, silver, bank notes, or other notes which may be circulating as money, and pay the same in such manner as may be agreed upon with the depositors by special or general contract. Said bank may receive deposits from minors or married women, and the checks, receipts, or acquittances of such minors and married women shall be valid.

§ 7. That the said bank may acquire, hold, possess, use, occupy, enjoy, sell, and convey all such real estate, goods and chattels, as may be convenient for the transaction of its

business, or to further the objects of its creation, or which may be conveyed to it as surety for any debt, judgment, or decree; and said bank may, through its directors, make such by-laws for its government as it may deem necessary: *Provided*, The same be not contrary to the Constitution and laws of this State or of the United States.

§ 8. It shall be the duty of the president of said bank, on the first Monday in January of each year, to pay into the Treasury of this State fifty cents on each one hundred dollars' of stock held and paid for in said institution, which shall be in full of all tax or bonus against said corporation, or against the stock held therein, and be a part of the revenue proper of the Commonwealth.

§ 9. That said corporation may be dissolved, and its business liquidated, upon a vote of two-thirds of the stockholders in par value.

§ 10. This act shall take effect from its passage.

Approved February 9, 1884.

CHAPTER 138.

AN ACT to amend the ninth section of an act, entitled "An act to incorporate the Eastern Kentucky Building Association."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the ninth section of an act, entitled "An act to incorporate the Eastern Kentucky Building Association," approved May fifth, one thousand eight hundred and eighty, be amended as follows: After the word "association," in the last line of said section, there be added the following words: "*Provided*, That the homestead right herein mentioned shall be of no greater value than that allowed under the General Statutes of Kentucky: *And provided further*, That any member of said association who may already possess a homestead under the General Statutes of the State, shall not be entitled to the homestead right under the act to which this is an amendment."

§ 2. This act to take effect from and after its passage.

Approved February 9, 1884.

CHAPTER 139.

AN ACT to amend the charter of the town of Shelbyville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend and reduce into one the several acts relating to the town of Shelbyville," approved March twenty-two, one thousand eight hundred and seventy-three, and all acts amendatory thereto, be, and the same are hereby, amended as follows: The civil terms of the police court of Shelbyville shall begin on the third Mondays in January, April, July and October of each year, and may be continued from day to day, as its business may require, at the discretion of the police judge; and said court shall have jurisdiction, within Shelby county, in all cases in which justices of the peace have jurisdiction.

§ 2. That the policeman for said town shall be elected by the board of trustees of the town of Shelbyville, at one of its regular meetings in September of each year. If not sooner removed by said board, he shall hold office for one year, and until his successor is elected and qualified. Before entering on the duties of his office, he shall give bond and qualify, in the same manner as constables are now required to do by law, except that his bond shall be executed to the board of trustees of Shelbyville, and subject to its approval, and he shall qualify before the police judge. In addition to the proviso and duties imposed under the charter and ordinances of the town, he shall have the same powers as are now had by constables under the statutes of Kentucky, and shall be under the same obligations and subject to the same penalties

§ 3. Said board may by ordinance provide for, and may at any regular meeting in the month of September of each year, elect an assistant policeman, whose powers and duties shall be the same as that of the policeman, and he shall give bond and qualify in the the same manner as the policeman, and shall hold office for one year from the date of his election, unless sooner removed by said board: *Provided*, That either or both the policeman or assistant policeman may be removed at the discretion of said board.

§ 4. Said board of trustees may, at any regular meeting, fill any vacancy that may occur in the office of policeman or assistant policeman.

§ 5. The collector of the town shall have the same powers in the collection of the town taxes as are now given by law to sheriffs in the collection of the State revenue, and be subject to the same liabilities; and in the enforcement of collections shall proceed in the same manner as sheriffs are required to do, except that his returns shall be to the police court; and said court is hereby given the same powers to hear and determine and enforce its judgments, for the collection of the town taxes, as are now given to the county courts: *Provided*, That in cases where there is no personal estate, and levy is made on real estate, the collector shall give notice of his levy to the sheriff of Shelby county; and, if said sheriff shall have any unpaid taxes against said property, he shall have reasonable time to levy for same; and should he make said levy, then he shall sell said property, or so much thereof as may be necessary to satisfy the State, county, town, and other taxes and costs of sale, in the same manner as now required by law; and shall pay to the collector the amount of the town taxes and the collector's costs; and in his return to the county clerk, he shall include the amount of the town taxes with the other taxes for which the property was sold. After levy made by the collector, and notice by him to the sheriff, should the sheriff hold no taxes against the property levied on, then the collector shall sell said property in the same manner that the sheriff is required to sell; and he shall make report of same both to the police court and the county clerk.

§ 6. In sales made under this act the town shall have the right, and is hereby authorized and empowered, through its collector, to purchase the property sold, bidding therefor the amount of the State, county, and town taxes, and costs, when the sale is made by the sheriff, and when made by the collector, the amount of the town taxes and cost.

§ 7. Where the sale is made by the sheriff, and the property is bid in for the town, the collector shall pay to the sheriff the amount of State and county taxes due and sher-

iff's commissions, and the sheriff shall give the certificate and make return as required under sections sixteen and seventeen, article eight, chapter ninety-two, of the General Statutes. Where the sale is made by the collector, he shall issue the certificate, and make return in accordance with said sections, article, and chapter of the General Statutes.

§ 8. All sales and purchases made under this act shall be made in accordance with, and be subject to, the same conditions and limitations provided in article eight, chapter ninety-two, of the General Statutes.

§ 9. The collector and his sureties on his bond shall be liable to the town of Shelbyville for all taxes, dues, and demands of the town placed in his hands for collection, except that in case of taxes he shall, at the first regular meeting of said board in October of each year, present to said board a list of insolvents and removals, as provided in the case of sheriffs under section seven, article nine, chapter ninety-two, of the General Statutes; and said board shall have the same powers, in examining and passing on said list, as are now given by law to the courts of claims; and the collector, when said list has been so examined and passed on and corrected by said board, shall be entitled to credit thereby; and all acts or parts of acts in conflict herewith are hereby repealed.

§ 10. This act shall be in force from its passage.

Approved February 9, 1884.

CHAPTER 140.

AN ACT to incorporate the Bardstown and Loretto Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the persons who may subscribe stock for the purpose of constructing a turnpike road from a point on the Springfield and Bardstown Turnpike Road, near Bardstown, Nelson county, to Loretto, in Marion county, be, and they are hereby, created a body-corporate, under the name and style of The Bardstown and Loretto Turnpike Road Com-

pany, and by said name may sue and be sued in any of the courts of this Commonwealth, and shall have perpetual succession.

§ 2. Said road shall be under the control and management of three directors, one of whom shall be chosen president by the vote of persons holding stock in said road. The president and directors shall be elected annually on the first Saturday in May, at a time and place designated by public notice given by notices put up at three or more public places on the route of said road, for at least ten days before the time designated, except as hereinafter provided.

§ 3. The capital stock of said company shall be twenty-five thousand dollars, or such sums as may be necessary to build said road, to be divided into shares of twenty-five dollars each; and each stockholder shall be entitled to one vote for each share of stock owned by him or her.

§ 4. The road shall be built with a grade of not less than sixteen feet wide, with an elevation of not less than twelve inches in the center, with a ditch on each side, and outside of the grade, of sufficient width to drain the road; the metal shall not be less than (12) twelve feet wide, and ten inches deep, of good clean gravel, or sound hard rock well broken.

§ 5. The board of directors may locate the road, and determine the elevation, and for this purpose are vested with power, by themselves, employes, and servants, to enter upon the public roads as they now exist, and upon the lands over which they desire to survey, locate, or build said road, having given the owners thereof notice of their intention of at least five days.

§ 6. Whenever two miles of said road shall be completed, the company may erect a toll-gate and collect toll from persons using and traveling over said road the tolls for the distance traveled; and they may erect such other gates upon said road, and may collect tolls as provided by the General Statutes of Kentucky.

§ 7. The right to condemn land for road-bed, rock and gravel for building the same, and keeping it in repair, borrowed earth for fills, and land for toll-gate sites, not exceed-

ing one acre for each gate, shall be governed by the general laws of the State of Kentucky for such purposes.

§ 8. C. C. Brown, John Mattingly, Edward Beam, and Charles Rapier, are appointed commissioners to open books for the subscription of stock in said road, at such time and places as any three of them may determine; and when two thousand dollars of *bona fide* solvent private subscription to said road shall be received, the commissioners, or a majority of them, may give notice through a newspaper, if one be published in Bardstown or Lebanon, to the stockholders, to meet at a time and place designated in said notice, and elect a president and directors, as heretofore provided in this charter; and when elected, said president and directors shall be, by some officer authorized to administer an oath, sworn to faithfully perform their duties.

§ 9. Upon the qualification of said president and directors, they shall locate said road, and at the expense of the company survey the route thereof, as far as they in their judgment may deem right and proper.

§ 10. The stockholders shall pay their subscriptions in calls of such amounts, at such times, and to such persons, as the president and board of directors may, by resolution, direct.

§ 11. If any stockholder shall fail to pay the stock subscribed by him, or any part thereof, he may, by a majority vote of the president and directors, be excluded from the right of voting his share or shares of stock, and said company may sue for the same in any court of this State having jurisdiction thereof.

§ 12. Said president and board of directors may pass by-laws regulating their meetings, and all business pertaining to the building or management of said road. They may create and fill by their vote all such subordinate offices which they may deem necessary to a prompt and profitable management of their road.

§ 13. This act shall be in force from and after its passage.

Approved February 9, 1884.

CHAPTER 141.

AN ACT to authorize the Martin county court to issue bonds for purpose of erecting and repairing public buildings and building bridges in said county, and providing for the payment of same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Martin county, a majority of the justices therein being present and concurring, is hereby authorized to issue the bonds of said county to an amount not exceeding four thousand dollars, in sums from fifty dollars to five hundred dollars, bearing interest at the rate of six per centum per annum, payable and redeemable at the pleasure of the court at any time within five years from the date of said bonds, which bonds shall be signed by the judge and clerk of said court, and shall be sold at their par value by said court's commissioner. The money paid for said bonds shall be applied to the building and repairing of public buildings, and building bridges in said county, in such manner as the court may direct; and to pay the interest as it accrues on said bonds, and the principal at maturity, the court shall levy and have collected either a poll-tax or a tax upon all property within the county taxable for revenue purposes, or both, as the court may at any time in its discretion deem proper.

§ 2. This act shall be in force from and after its passage.

Approved February 9, 1884.

CHAPTER 142.

AN ACT to incorporate the Central Christian Church, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Lewis J. Frazee, John A. Dickinson, and Robert C. Howe, and their successors, be, and they are hereby, constituted a body-corporate, to be known and designated by the name and style of the "Central Christian Church, of the City of Louisville, Kentucky;" and by that name shall have perpetual succession and a common seal, with power to change and alter the same at pleasure; and as a body-

corporate may sue and be sued, plead and be impleaded, defend and be defended, in any of the courts of this Commonwealth.

§ 2. They may acquire and hold, either by purchase, donation, gift, devise, bequest, or otherwise, real or personal estate; and may sell, convey, or dispose of the same, for the use of said corporation, as they may see fit, with the consent of the majority of the members in good standing of said church at the time.

§ 3. Said incorporators, Lewis J. Frazee, John A. Dickinson, and Robt. C. Howe, or their successors, may also issue coupon bonds to the amount of thirty-five hundred dollars, of such denominations, bearing such rate of interest, not exceeding six per cent. per annum, and payable at such times as they may determine, and secure the payment of the same by a mortgage on their property situated on the southeast corner of Kentucky and Second streets, in the city of Louisville, Kentucky, fronting fifty feet on Kentucky street and one hundred and ten feet on Second street, with the improvements thereon.

§ 4. This act shall take effect from and after its passage.

Approved February 9, 1884.

CHAPTER 143.

AN ACT for benefit of James A. Dixon, Commissioner of Common Schools in Cumberland county.

WHEREAS, Twenty-three (23) pupil children were erroneously omitted in the census report of common school district number twenty-six (white), and fifteen pupil children from common school district number twenty-eight (white), Cumberland county, for the school year ending June thirtieth, one thousand eight hundred and eighty-four; and whereas, James A. Dixon, commissioner of common schools for said county for said school year, became responsible to the teacher of the common school of said districts for said error; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his warrant on the Auditor of Public Accounts in favor of James A. Dixon, for the sum of fifty-three (\$53) dollars and ninety-six (96) cents; twenty-five (\$25) dollars and two (2) cents, payable out of the surplus (unbonded) interest for the school year ending June thirtieth, one thousand eight hundred and eighty-four, and twenty-eight (\$28) dollars and ninety-four (94) cents, payable out of the common school fund for the present school year ending June thirtieth, one thousand eight hundred and eighty-four.

§ 2. This act shall take effect from its passage.

Approved February 9, 1884.

CHAPTER 144.

AN ACT to incorporate the West Liberty Bridge Company, in Morgan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Amos Davis, John T. Williams, W. A. Maxey, W. G. Carter, W. M. Kendall, E. F. Lemaster, Jas. H. Cole, H. C. Turner, R. F. Elam, Jno. P. Salyer, I. N. Phipps, Jno. T. Hazelrigg, J. S. Lawson, and Ed. C. Orear, and their associates, successors, or assigns, are hereby constituted and declared a body-corporate, under the name and style of the West Liberty Bridge Company; and by that name and style they are hereby invested with all the powers incident to corporations.

§ 2. That said company be, and they are hereby, invested with all the rights, powers, and privileges necessary for the construction of, and they shall be, and they are hereby, authorized and empowered to construct a bridge across the Licking river in Morgan county, Kentucky, extending from some convenient point within the corporate limits of the town of West Liberty, Kentucky, to some convenient point on the opposite side of said river, and also to purchase or

condemn, by writ of *ad quod damnum*, and hold as much real estate as may be necessary for the site of said Bridge, and the sites for the piers, abutments, toll-houses, and suitable avenues leading to the same, and such other lands as may be necessary: *Provided*, That said bridge shall be constructed so as not to obstruct navigation further than the laws shall allow.

§ 3. That said company shall have the right to fix reasonable rates of tolls for passing over said bridge, and to collect the tolls from all and every person or persons passing thereon or carried thereon, and upon all goods and chattels, vehicles, and animals passing thereon or carried thereon, of every kind and description; and for this purpose toll-gates may be erected at each or either end of said bridge, and the rates of toll shall be posted up in conspicuous places where toll is demanded.

§ 4. The capital stock of said company shall be five thousand dollars, to be divided into shares of fifty dollars each, the manner of subscription and time of payment to be regulated by the by-laws of said company; and said company may receive real estate in payment of subscriptions, and may hold and dispose of such real estate, and may receive subscriptions of stock from the town of West Liberty, the county of Morgan, and from any other town, city, county, or corporation, either in or out of this State.

§ 5. That said company shall have power to borrow money on such terms, at such rates of interest, for such times, in such places, and such amounts, as the president and directors thereof shall deem expedient; and may execute such evidences of indebtedness as may be deemed proper, and may pledge the profits, franchises, rights, and credits of the corporation as security for any loans, liabilities, or contracts which they may make; and all bonds issued and made by said company for the purpose aforesaid shall be binding and obligatory upon such company, and may be hypothecated or sold by said company at such rates of discount as the president and directors thereof shall deem expedient.

§ 6. That the president and directors of said company shall have power to make all necessary by-laws, and to regulate by by-laws and rules all matters not specially provided for herein: *Provided*, Said by-laws and rules are not inconsistent with law.

§ 7. That the business of said company shall be conducted by seven directors, who shall of their number elect a president, and shall elect or appoint such other officers and agents as the by-laws shall prescribe.

§ 8. That the persons named in the first section of this act, or a majority of them, shall elect seven of their number, who shall be the directors of the company until their successors shall be elected and qualified; and an election of directors of said company shall be held on the first Monday in January of each year, at such places, and under such regulations, as may be prescribed by the by-laws of the company.

§ 9. It shall be unlawful for any person or persons to construct, establish, or operate a bridge or ferry across the Licking river, or receive tolls, pay, fee, or reward for the conveyance of any person or persons, goods, chattels, vehicles, animals or things across Licking river within two miles above and two miles below the location of said bridge after said bridge shall have been constructed ready for use; and any one violating any of the provisions of this section shall be fined four dollars for each offense, to be recovered upon conviction before any justice of the peace of Morgan county, or the police court of West Liberty. Said proceedings to be in the name of the West Liberty Bridge Company.

§ 10. This act is hereby declared to be a public act, and shall be in force from and after its passage.

Approved February 9, 1884.

CHAPTER 145.

AN ACT for the benefit of Tyler Y. Chandler, of Adair county.

WHEREAS, Tyler Y. Chandler, a resident of Adair county, is an infant, but is conducting business in his own name; and whereas, said Chandler has money in the hands of his

guardian which he desires to use in his business, and which is necessary for him to have in carrying on his said business; and whereas, said Chandler and Jno. N. Turner, his guardian, and Anna B. Strange, his mother, have petitioned this General Assembly to pass an act relieving him of the disability of infancy, so that he can legally carry on his said business, contract and be contracted with as a person of full age, settle with and receive from his guardian the money and property in his hand; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Tyler Y. Chandler, of Adair county, be relieved of the disability of infancy, and authorized and empowered to contract and be contracted with as if he was over the age of twenty-one years.

Approved February 9, 1884.

CHAPTER 146.

AN ACT to establish a board of commissioners for Boyd county, and to define their duties and the duties of other county officers whose duties are connected with the duties of said commissioners.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be established in Boyd county a tribunal, to be styled "The Board of Commissioners for Boyd County," which shall consist of three members, and Joseph M. Ferguson, Joseph C. Merrill, and Charles H. Kouns are hereby appointed said commissioners, who shall hold their office until the first Monday in August, one thousand eight hundred and eighty-four, and until their successors shall have been duly elected and qualified pursuant to the provisions of this act. And thereafter, to-wit: on the first Monday in August, one thousand eight hundred and eighty-four, at the regular election then to be held in said county, the three commissioners contemplated by this act, as successors to the ones herein appointed, shall be elected by the qualified voters of Boyd county. The comparison of the votes and certificates of election shall be by the same board of officers

appointed by law for that of county judge. After the first election the persons first elected shall, on the third Monday in September succeeding their election, meet at the courthouse in the town of Catlettsburg, when they shall qualify, and immediately enter upon their duties of their office as herein imposed upon them.

§ 2. The term of office of said elected commissioners shall be one for three years, one for two years, and one for one year, and at their first meeting they shall determine by lot which shall serve the respective terms. At each succeeding August election there shall be one commissioner elected, whose term of office shall be three years, to take the place of the one whose term of office shall expire. If at any time a vacancy shall occur, the county judge shall fill said vacancy by appointment until the next August election, when one shall be elected to fill said vacancy.

§ 3. The board of commissioners first herein appointed shall hold their first meeting on the second Monday in February, one thousand eight hundred and eighty-four, and the commissioners to be elected as provided in this act shall hold their first meeting on the third Monday in September succeeding their election. The said commissioners as herein provided, before acting as such, shall be sworn to faithfully perform the duties of said office as herein set forth, and each shall execute before the Boyd county court a bond to the county of Boyd in a sum not less than ten thousand dollars each, with solvent surety conditioned for the faithful performance of the duties as commissioners under this act. Said commissioners herein appointed by this act shall, immediately after their qualification and entering upon their duties, appoint some competent person treasurer of Boyd county, who shall hold his office until the next regular August election, and thereafter the commissioners to be elected as herein provided shall, immediately after their election and qualification, and at their first meeting, elect a treasurer for the county, and thereafter annually elect such treasurer at their first meeting after the August election in each year.

§ 4. The treasurer shall have the custody and hold all moneys belonging to said county subject to disbursement as

Herein set forth; and shall execute bond to the county of Boyd in a sum not less than seventy-five thousand dollars, with two or more sureties, in the aggregate worth in real estate double the amount of said bond, over and above all indebtedness and exemptions from execution, conditioned for the safe-keeping and disbursing of all money coming to his hands, and for the faithful performance of his duties as treasurer aforesaid; and further, he shall be sworn to a faithful performance of his duties as such treasurer. Said bond shall be approved by the county judge of said county, and attested by the county clerk, and by him recorded with the proceedings of said board of commissioners, and safely kept in the county clerk's office. The county judge shall require additional bond and sureties when he may deem it necessary, and shall do so when said treasurer has, or is about to have, a greater amount of money belonging to said county in his hands than is perfectly secured by former bond. The original bond as herein contemplated shall be filed in the county clerk's office, and suit may be brought on same from time to time, by and in the name of the county of Boyd, or any other person injured by any breach of said bond, in any of the courts of Boyd county having jurisdiction of the sum claimed in said suit. The treasurer shall receive a reasonable allowance for his services as treasurer, to be fixed and allowed by the board of commissioners, payable out of the county levy.

§ 5. The county judge shall be *ex officio* a member of the board of commissioners; he shall attend all the meetings of said board, and by virtue of his office shall preside as chairman of said board, and as such shall sign all the orders and records of their proceedings; he shall not vote on any question pending before said board, except in the case of a tie vote, he shall then give the casting vote; and in the absence of the county judge, or, upon his failure, from any cause, to be present and so preside at any meeting of said board of commissioners, they shall then select one of their number to preside as chairman *pro tem.*, who shall perform the same services, and exercise the same powers and authority, to the same extent, as the county judge would if he were present.

§ 6. The county clerk shall be the clerk of the board of county commissioners, and under the orders thereof shall procure all record-books, in which he shall keep a full and detailed record of all proceedings of any and all meetings of any or all of said commissioners; and he shall keep said books fully and carefully indexed and preserved among the records of Boyd county at the clerk's office in said county. These books shall be paid for, on order of said board, out of the county levy of said county.

§ 7. All meetings of the full board shall be held at the court-house in the town of Catlettsburg, two of which shall be on the first Monday in October and January in each year, except that the commissioners herein appointed by this act shall hold their first meeting the second Monday in February, one thousand eight hundred and eighty-four, as hereinbefore provided; and they shall hold further meetings as herein provided for the elected commissioners. The commissioners herein contemplated, those who are appointed as well as those to be elected, shall hold stated meetings every three months in each year, which shall be held in addition to the meetings fixed by this act, and at such times as in their judgment may be necessary for the proper transaction of the business hereby confided to them. The county judge, if present, shall preside, and he may call an extra session of said board on his own motion, or upon the application of one of said commissioners. At all of such meetings at least two of said commissioners shall be present to form a quorum. The said board shall, at its first meeting, fix the days of the beginning of said meetings, and shall hold said meetings, and adjourn from day to day, as long as the business shall require it; but shall not hold longer than five days at one meeting, and they shall not be held on the days of holding the county, quarterly, or circuit courts of Boyd county.

§ 8. The three commissioners may, for the purpose of examining any county building, bridges, road, or other property or public improvements of which they have charge under this act, meet when and where circumstances may require; but when they make any order in regard thereto, it shall be

done at the court-house or clerk's office in Catlettsburg, which order or orders shall be entered by the county clerk in the commissioner's record-book, which record shall be properly dated and signed by the commissioners making said order. Any two of said commissioners shall form a quorum for transacting such business, but all shall be notified and required to be present, unless unavoidable circumstances prevent.

§ 9. Contested elections of said commissioners shall be tried and decided in the same manner, and by the same board, as is authorized by law for those of county judge.

§ 10. The per diem of the board of commissioners shall not exceed three dollars each per day, necessarily spent in the transaction of said business, to be fixed by said board and paid out of the county funds.

§ 11. The sheriff shall, by himself or deputy, attend on said board, and execute all of its summons and orders required to be executed; and shall be allowed fees therefor as allowed by law for such services in the county court, which shall be paid out of the county funds.

§ 12. The said board of commissioners shall have exclusive original jurisdiction, in the same manner, and to the full extent and authority, to exercise all the powers and transact any and all business heretofore transacted by the court of claims, or that may hereafter be given by general enactment to the courts of claims in this Commonwealth, and shall be governed by, and subject to, the same laws and penalties, when not otherwise provided for in this act; and all acts and parts of acts creating a court of claims, applicable to the county of Boyd, are hereby repealed and held for naught so far as they apply to said county of Boyd, to take effect as soon as said commissioners herein appointed, or those to be elected, shall qualify.

§ 13. It shall be the especial duty of said board of commissioners to take charge of the county buildings and property of every description; also all the county roads and bridges in said county, and preserve the same from waste; and when it is necessary to build or repair, or in any way improve, any of said buildings or property belonging to

said county, or to build or repair any bridge and the approaches thereto, on any county road, which shall require a sum of money to do the same, said commissioners shall immediately cause the erection of all such buildings, bridges, approaches, or repairs thereon as may be necessary, at the expense of the county.

§ 14. For the purpose of carrying out the objects set forth in this act, and for the purpose of paying the present outstanding indebtedness of said county that is now due or hereafter to become due, and for the purpose of erecting any court-house, county office, jail, poor-house, bridge, and other necessary improvements, or for the purpose of repairing, improving, or rebuilding any such buildings or bridge, the said commissioners are hereby authorized and empowered to issue the bonds of said county in amount not exceeding seventy-five thousand dollars, and to borrow such sums of money to accomplish such purpose. Said bonds so issued shall have coupons attached, and shall bear interest at a rate not greater than seven per cent., such interest to be paid annually or semi-annually, as agreed upon and set forth in said bonds, the said commissioners drawing their order upon the treasurer of said county for the same, and the treasurer shall pay the same out of any funds in his hands subject to said order. Said bonds shall be negotiable and payable to bearer, and shall not be issued or sold at less than par, and they shall not bear interest until they are issued and the county has value received.

§ 15. The bonds so issued shall be signed by the county judge and commissioners, or any two of them, and countersigned by the county clerk, under the seal of said county court, in sums not less than fifty dollars nor more than one thousand dollars each, and to become due and payable at any time within five, ten, or fifteen years from their date, the coupons being signed by the county clerk alone; and each of said bonds shall distinctly specify the object for which they were issued. All bonds issued under this act shall be correctly numbered in the order in which they are issued, and registered by the county clerk in a book by him provided and kept for that purpose in the county clerk's

office at Catlettsburg; and all orders drawn upon the treasurer for the payment of the principal or interest of said bonds shall specify the fund on which they are drawn, and shall also be recorded in said book; and when the clerk shall deliver to the holder of any such bond an order on the treasurer for the final redemption of same, he shall receive such bond, and forthwith write across the face of the same, in red ink, the word "redeemed," and sign his name thereto, and date of same. The treasurer, upon receiving such order, which shall contain the number of the bond for the redemption of which the order was drawn, shall, within three days, proceed to the clerk's office, and there, in the presence of said clerk, write, in red ink, across the face of the registry of such bond, the word "redeemed," with the proper date, and sign his name thereto, when the clerk shall deliver to him the original bond, duly canceled, for which, together with all orders he has paid for interest, he shall be credited in his annual or semi-annual settlement with said commissioners. All orders drawn upon the treasurer by the commissioners shall be registered by said clerk before he shall countersign the same; and it is especially provided that the outstanding indebtedness of Boyd county shall not, in any event, exceed the sum of seventy-five thousand dollars at any one time.

§ 16. The board of commissioners shall annually, at the time they make the annual appropriations for the current expenses of the county, set apart and appropriate such additional amount as will pay the interest on all bonds issued, and at least three thousand dollars of the principal, which shall be sacredly held and applied to the payment of the present bonded indebtedness of Boyd county, and to the interest, and to no other purpose.

§ 17. The board of commissioners may, in their discretion, if they deem it necessary, annually appropriate the sum of five thousand dollars, payable out of the county funds, for the purpose of grading, graveling, building, or repairing the bridges or public roads in Boyd county. The said board shall have full power to direct upon what particular road or roads the money thus appropriated shall be expend-

ed; they may cause the entire sum of five thousand dollars to be expended upon any one road in said county in one year, and in that event that road shall not receive any further appropriation until some other road in Boyd county shall receive an equal amount. The said board of commissioners may, in making all appropriations for the improvement of the public roads in said county, be governed therein according to the amount of money raised by private subscription, and donated as a bonus by the citizens along the lines of the roads asking for the appropriation, always making the preference to that line of road donating the largest amount of money or property per mile of said road.

§ 18. That in the event said board of commissioners should not deem it necessary or proper to make the appropriations of the sum of five thousand dollars for the purpose of improving the public roads in Boyd county as provided in section seventeen of this act, and thereby discontinue the appropriation for such improvements, then the said commissioners may appropriate the said sum of five thousand dollars in addition to the three thousand dollars provided for in the sixteenth section of this act; which sums together shall be applied for the purpose of paying off the bonded debt of Boyd county, and shall not be used for any other purpose whatever, until the bonded debt of said county, with its interest, is discharged.

§ 19. The board of commissioners may, at the time they make the appropriations for the ordinary expenses of the county, and after the present bonded indebtedness of said county has all been paid off in full, appropriate the further sum of five thousand dollars, in addition to the amount set apart in section seventeen of this act, in each year, for the purpose set forth in said section seventeen of this act, and shall be governed in the distribution of the appropriations made among the several roads in said county for such improvements in the mode and manner therein provided.

§ 20. That all lists made up by private subscription and donated as a bonus by the citizens along the line of any road in said county for the purpose of improving said roads, shall be listed with the sheriff of Boyd county for collection.

who shall, within four months from the date of receiving said lists, proceed to collect from the persons subscribing thereto the amounts due as shown by said lists, in the same manner as he collects the State revenue; shall have the same power to distrain and sell as he has for collecting the county levy. He shall have a lien on the real and personal property of the subscribers to the same extent and for the same purpose he has on their property for the collection of the county levy and State revenue to the amount and extent of their several subscriptions. The sheriff, with his sureties, shall be responsible on his official bond for all money coming to his hands under this act, and shall receive, as compensation for his services for collecting said lists, five per cent. of all money so collected. The sheriff shall pay over all money collected on account of such lists to the persons authorized to receive same upon the order of said commissioners; and all money raised by said lists shall, when collected, be applied to the improvement of the road for which was subscribed, and for nothing else.

§ 21. And to provide for the payment of the present outstanding indebtedness of Boyd county, and interest thereon, and any bonds that may hereafter be issued in pursuance of this act, for any of the purposes herein named, and to further provide for the payment of all the appropriations made by the board of commissioners of Boyd county, for the ordinary expenses of said county, and appropriations for county purposes, the board of commissioners of Boyd county, a majority of said commissioners being present and concurring therein, be, and they are hereby, authorized and empowered to levy an *ad valorem* tax on all the real and personal property in Boyd county, which is assessed and subject to State taxation for revenue purposes. The tax herein authorized shall be levied by said board of commissioners from year to year, in any sum they may deem necessary for the purposes named in this act, not, however, to exceed more than eighty-five (85) cents on each one hundred dollars in value of the taxable property in said county in any one year. The board of commissioners shall, annually, at the time they shall levy other taxes, impose or levy a capitation tax, in any

sum they may deem proper, not exceeding one dollar and fifty cents upon each male citizen of Boyd county over the age of twenty-one years, to be used for county purposes.

§ 22. That the sheriff of Boyd county is hereby required and empowered to collect and account for all tax, of whatever description, that may be levied by the board of commissioners for said county under the provisions of this act, in the same manner as the State revenue taxes are now collected and accounted for by law. He shall have the same right to distrain and sell property therefor, and shall pay over to the treasurer of said board of commissioners all moneys thus collected, or in any way belonging to said county, which moneys shall be kept and held by said treasurer, subject to the order of the board of commissioners, signed by the county court clerk, which said treasurer shall pay upon proper vouchers and orders to the persons entitled thereto, for which said treasurer shall receive a credit in his annual or semi-annual settlement with said board; all of which vouchers shall be numbered and registered in a book kept for that purpose by the county clerk; and the bond executed by the sheriff shall cover the said taxes thus to be collected and paid over, upon which bond he and his securities shall be liable therefor, in the same manner they are liable for the State revenue; and he shall receive for collecting said taxes a compensation not exceeding that allowed by law for collecting the State revenue. And if any sheriff whose duty it is to collect taxes levied under this act, shall fail or refuse to execute bond as required by this act, at the January term of the Boyd county court of each year in which said tax is to be collected, he shall forfeit his office, and the county court of said county, composed of the county judge alone, shall appoint a collector for said year, who shall execute bond with sureties, and have all the powers and be subject to all the duties and liabilities of the sheriff in collecting taxes under this act.

§ 23. That if any sheriff or collector having in his hands for collection taxes levied under this act, shall fail to collect and pay over the same to the persons entitled, or to the treasurer, and within the time herein prescribed, such sheriff or

collector shall, with his sureties, be liable for the amount not paid as required; and ten per cent. thereon, to be recovered by suit or by motion, on ten days' notice, in any court having jurisdiction; and any execution issued on such judgment shall not be replevied, and shall be indorsed by the clerk issuing the same, "no security of any kind to be taken;" and any sale under such execution shall be for cash in hand. No demand of the amount due shall be necessary to put said sheriff or collector in default.

§ 24. The said board of commissioners shall require the treasurer of the county, and the sheriff or collector of the county, to make semi-annual settlements of their accounts with the county, at or on a day or days to be fixed by said commissioners. All acts and parts of acts heretofore enacted by the General Assembly of the Commonwealth of Kentucky, authorizing the Boyd county court of claims to levy an ad valorem tax upon the real or personal property in said county, or capitation tax, is hereby repealed.

§ 25. The board of commissioners may employ a competent architect to draft the plans and specifications for any building, or a civil engineer for any bridge they are about to erect. Such plans and specifications shall be such as to afford any competent builder all needful information to enable him to understand what will be required in the construction thereof. Said architect or engineer shall make, or cause to be made, a full and accurate estimate of each item of expense, and the entire aggregate costs. If such drawing, specifications, and estimates shall be approved by the commissioners, they, or a copy thereof, shall be deposited with the county clerk, and by him safely kept in his office.

§ 26. When any such building or bridge and approaches shall, by estimate, costs five hundred dollars or more, the board of commissioners shall advertise for sealed proposals to furnish the materials, and build and perform all the work according to the plan and specifications, a copy of which shall also be on file in the county clerk's office in Catlettsburg, for examination by those desiring to bid on said work and materials.

§ 27. When the commissioners shall advertise for proposals, it shall be done either by printed posters or by publishing it in some newspaper having a general circulation in Boyd county. It shall state where the plans and specifications may be seen, and the time in which bidders have to file their bids with the county clerk of Boyd county, and the time when said bids will be opened, which shall be done by the clerk, in the presence of not less than two of the commissioners, and such bidders as may be present, and publicly read and examined. They shall accept the lowest and best bid, or reject all, and re-advertise as before. All bids shall be accompanied by the names of at least two responsible persons, residents of the State of Kentucky, as surety for the performance of the contract, if the bid is accepted. In advertising for the building of a bridge, they may receive and take into consideration and adopt any other place than the one on file in making their award. Before opening any of said bids, they may adjourn to another day. After opening, reading, and examining such bids, they may adjourn to another date for making their awards. When a contract is entered into, the original shall be kept on file with the plans and specifications in the clerk's office. If it shall be necessary to make any addition or repairs to any building or bridge, the commissioners shall, as near as practicable, conform to and make contracts in manner herein set forth, and it is especially provided that neither of the commissioners, county judge, county attorney, or county clerk, shall bid themselves, or procure any one to bid for them, or have any interest in any contract for the building or repairing of any building or bridge or improvement of the public roads in Boyd county during their term of office as such.

§ 28. It is further provided, that after the expiration of the term of office of the present incumbent, the common school commissioner for said county, the said board of commissioners shall, at their next regular meeting thereafter, the county judge presiding, elect a common school commissioner for said county to serve for the term of two years,

and until his successor is elected and qualified; and shall elect such school commissioner every two years thereafter.

§ 29. The county clerk shall make out and deliver to the sheriff and treasurer, at the same time he delivers to the sheriff the tax-book of the county, a statement showing the percentage of the county levy belonging to the several funds to be collected, and the sheriff and treasurer shall keep said funds separate, and pay out of each fund as the order drawn by the commissioners may specify.

§ 30. The board of commissioners shall have no power to pass any order or resolution for the appropriation of any money or the creation of any debt exceeding the sum of ten dollars, at any one time, unless the same, on its passage, shall be voted for by a majority of all the members of said board of commissioners, and the yeas and nays thereon entered on the journal.

§ 31. After the passage of this act the Secretary of State shall furnish to the clerk of the Boyd county court with three copies of the General Statutes, and three copies of the Session Acts of the Legislature for one thousand eight hundred and eighty-three and one thousand eight hundred and eighty four, and a copy of any other books which the other county officers are furnished by the State, for the use of the commissioners of said county; and the clerk shall, immediately on receipt of such books, deliver to each of said commissioners a copy of each book for use during their term of office, who shall, at the expiration of their respective terms of office, deliver all such books, or other public property, to their successors in office.

§ 32. Appeals may be taken from the board of commissioners on all matters as are now allowed from the county court of claims, and in the same manner, under the general laws of the Commonwealth, to the circuit court of Boyd county, where the amount in controversy is not less than twenty-five dollars.

§ 33. That this act shall take effect and be in force from and after its passage.

Approved February 9, 1884.

CHAPTER 147.

AN ACT to authorize the county court of Pulaski county to take stock in turnpike roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. An election shall be held in the county of Pulaski, on the first Monday in August, one thousand eight hundred and eighty-four, for the purpose of taking the sense of the qualified voters thereof as to whether the county court shall take stock in turnpike roads in said county. Such election shall be held, and return thereof made, as now provided by law for holding county elections, except that the certificate mentioned in section two of article five, chapter thirty-three, of the General Statutes, shall be delivered to the county judge, who shall cause an order to be entered upon the records of the county court at the next term thereof. It shall be the duty of the sheriff to cause printed notices of said election to be posted in at least four public places in each voting precinct in said county fifteen days before said election. If for any reason said election shall not be held on the first Monday in August, one thousand eight hundred and eighty-four, then the county court, by an order of record, may cause the same to be held on the first Monday in August in any year thereafter, notices being first posted as herein provided. The question shall be propounded to each voter at said election, "Are you in favor of the county court of Pulaski county taking stock in turnpike roads within the county?" The costs of said election shall be paid as in the case of other county elections.

§ 2. If, at the election provided for in section one of this act, a majority of the votes shall be cast in the affirmative, then the county court shall subscribe stock in every mile of turnpike road to be built in the county to the amount of one half the cost of building said roads, but not to exceed one thousand dollars per mile: *Provided*, No part of said stock shall be subscribed or paid until the other half of the stock of any proposed road shall be secured by *bona fide* subscriptions of citizens of the county or other persons.

§ 3. The said court may issue the bonds of the county of such denomination as the court may choose, not less than fifty dollars each, in printed form, under the seal of the county, signed by the presiding judge of court, and countersigned by its clerk, payable when and where the court may elect, with annual or semi-annual interest coupons, at a rate of interest not to exceed eight per cent. per annum, and to be sold at not less than their par value, for the purpose of raising money to pay for said turnpike stock.

§ 4. To provide for the payment of the principal and interest of said bonds, the said court is hereby authorized to levy an ad valorem tax, not to exceed twenty cents to a hundred dollars, on all the property in said county subject to taxation for county or State purposes, for each and every year that such tax may be necessary. And the proceeds of said tax, together with the dividends accruing to the county on its stock in said turnpike roads, shall be paid to the treasurer of the county, who shall apply it in payment of the principal and interest of the said bonds under the directions of said court.

§ 5. The court shall designate the county treasurer, or, if there be no such officer, a special treasurer, to receive and pay out the funds mentioned in section four, and such treasurer shall, before receiving any of said funds, execute a good and sufficient bond, with good surety, approved by the court, for the faithful performance of his duties.

§ 6. The sheriff or collector of taxes for said county, and his sureties, shall be responsible on their bonds for the collection of the taxes herein authorized, in the same manner they are responsible for the ordinary county levy; and shall have and exercise the same powers in the collection thereof as they have by law for collecting the county and State taxes; and shall, under the same penalties, pay over the same to whom the court may appoint treasurer, and at such times as the court may require.

§ 7. The presiding judge of said county shall be *ex officio* a member of the board of directors of any turnpike road in the county in which the county owns stock, and shall repre-

sent the county, and cast the vote or votes to which the county may be entitled in all the meetings of said board.

§ 8. All laws or parts of laws in conflict with this act are hereby repealed.

§ 9. This act shall take effect from its passage.

Approved February 9, 1884.

CHAPTER 148.

AN ACT to incorporate the Ruddle's Mills and North Bourbon Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company may be formed, and created a body-politic and corporate, by the name and style of the Ruddle's Mills and North Bourbon Turnpike Road Company, for the purpose of constructing a turnpike road in Bourbon county, Kentucky, from a point on the Millersburg, Ruddle's Mills, and Cynthiana Turnpike Road, about one and three-fourths miles north of Ruddle's Mills, between the lands of G. W. Talbott and H. C. Bowen, at the beginning of what is known as the Millersburg dirt road; thence on or near said dirt road to a point on the Mt. Gilead and Steel's Ford Turnpike Road, between the lands of F. E. Baird and C. L. Talbott; and that said company, under that name, may have perpetual succession; may sue and be sued, plead and be impleaded, contract and be contracted with; may have a common seal, and alter and amend the same at pleasure; and may acquire by purchase, relinquishment, or writ of *ad quod damnum*, the right of way for its road, upon the route it may adopt, ground for its toll-houses not exceeding one acre to each, and rock, timber, and quarries as may be necessary and proper in the construction and repair of their road.

§ 2. That the capital stock of said company shall not exceed ten thousand dollars, to be divided into shares of fifty dollars each, and to be increased, if necessary, to carry out the object for which this company is created.

§ 3. That Charles Talbott, Eli Howard, and Paris Howard, and such others as they may select, are appointed

commissioners to procure subscriptions to the stock of said company; and persons desiring to become stockholders may subscribe to an obligation in substance as follows: "The undersigned obligate ourselves to pay to the Ruddle's Mills and North Bourbon Turnpike Road Company fifty dollars for each share of stock affixed to our names, in such installments and at such times as may be directed by the officers of said company," and such obligation shall be binding upon the subscribers thereto.

§ 4. That the election of officers of said company shall be held on the fourth Saturday in March, and annually thereafter. Said officers shall consist of a president, secretary, and treasurer, each of whom shall be a director, and shall be chosen from the stockholders, and the votes of the stockholders may be given in person or by proxy, allowing one vote for each share of stock subscribed; and in all elections a majority of shares voted shall determine the result.

§ 5. That the officers shall fix and regulate the grade and elevation of said road, the width and part thereof to be covered with stone; shall designate the places for the erection of gates; may fix the rates of toll, regulate and change the same, and shall have power to erect a gate after one and one-fourth miles of said road shall have been completed: *Provided*, That the rates of toll charged and exacted for travel on said road shall not exceed those charged and exacted on the Maysville and Lexington Turnpike Road.

§ 6. That the officers with their surveyors, engineers, and chain-carriers are hereby authorized and empowered to enter in and upon the land and inclosures, public roads, and highways in and through and over which said intended road may be thought proper to pass; to examine and survey the ground most proper for that purpose; to examine quarries, beds of stone, and other material necessary for the construction or repair of said road.

§ 7. That the stockholders of said turnpike road company shall be exempt from work on any other road in Bourbon county.

§ 8. That the stock in said turnpike road company shall be assignable under such regulations as the officers may

prescribe, so as to vest the ownership thereof in the assignee.

§ 9. That the private property of the stockholders shall be exempt from the debts of said company.

§ 10. That this act shall take effect from its passage.

Approved February 16, 1884.

CHAPTER 150.

AN ACT to incorporate the Iron Works and Frankfort Turnpike Road Company, in Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company may be formed and created a body-corporate, by the name of the Iron Works and Frankfort Turnpike Road Company, for the purpose of constructing a turnpike road, beginning at Cunningham Station, on the Kentucky Central Railroad extension, in Bourbon county, and following the old Iron Works dirt road to its crossing with the Paris and Clintonville Turnpike Road, at Aaron Fowler's blacksmith-shop; thence following the bed of said Iron Works road to any point the stockholders may desire in the line of said road, within the limits of Bourbon county.

§ 2. Christopher F. Clay, John Cunningham, H. A. Liter, J. V. Muir, and William Stipp are appointed commissioners, who, or a majority of whom, may open books for subscription of stock in said company, and the subscribers thereto shall sign an obligation in the following form: "We, whose names are hereunto subscribed, promise to pay to the Iron Works and Frankfort Turnpike Road Company fifty dollars for each share of stock set opposite our names, in such proportions and at such times as shall be determined by the officers of said company when hereafter elected." The county court of Bourbon county may subscribe for stock in said road not exceeding twelve hundred dollars per mile of road built or guaranteed to be built.

§ 3. Said company may, under this charter, extend the road from Cunningham Station to intersect the Paris and

Winchester Turnpike Road at any point the stockholders may agree upon between Paris and Stony Point, and may have all remedies and means for obtaining right of way and material for construction of same as are provided by the General Statutes and laws of Kentucky.

§ 4. The capital stock of the company shall not exceed fifteen thousand dollars, and shall be divided into shares of fifty dollars each. When the commissioners think they have shares enough subscribed to authorize an organization, the commissioners shall give notice in written advertisements put up at Aaron Fowler's shop and at Cunningham Station, calling a meeting of stockholders to meet at such place and at such time as shall be named in said notices, for the purpose of electing a board of four directors, who shall have charge of the business of the road. The four directors so elected shall elect one of their number to act as president of the company, and another member of said board shall be appointed by them to act as treasurer and secretary, who shall be required to give bond, with security, for the faithful and proper use and disbursement of funds which shall come into his hands.

§ 5. The secretary and treasurer shall have custody of the papers, books, and finances of the company, and shall pay out moneys only on the order of the president.

§ 6. Each stockholder shall be entitled to one vote in the election of officers for each share of stock he may own at the time. Officers shall hold office for one year from the time of their election, and until their successors are elected and qualified.

§ 7. The managers shall have all powers and rights necessary for letting, contracting, and completing the said road and transacting its business, subject to instructions from the stockholders.

§ 8. The grade shall not exceed four degrees of elevation; width not less than eighteen feet; width of metal not less than fourteen feet, and depth of metal not less than twelve inches in the center, and grading off to eight inches on the sides.

§ 9. Whenever two miles of road shall be completed between the station and Fowler's shop, the directors may establish a toll-gate, at which they may collect tolls at the rates and for the distances traveled, as provided in the General Statutes. And when the road is completed from the station to a point on the Paris and Winchester Turnpike, the company may erect a gate on that end of the road, and collect toll on that end as provided by General Statutes.

§ 10. This act shall take effect from and after its passage.

Approved February 16, 1884.

CHAPTER 151.

AN ACT to authorize and empower the county court of Henry county to levy a tax of twenty cents on each one hundred dollars' worth of taxable property in districts numbers one, two, and three, in Henry county, for the year one thousand eight hundred and eighty-two, and a poll-tax of fifty cents, and to collect the same.

WHEREAS, By authority of law the county court of Henry county is and was, in one thousand eight hundred and eighty-two, authorized, empowered, and required to levy annually a tax of twenty cents on each one hundred dollars' worth of taxable property as shown by the assessment for State revenue in districts numbers one, two, and three, in said county, and a poll-tax of fifty cents; the said tax to be collected by the same person and in same manner as the State revenue, and to be used when collected for building turnpike roads in said districts; and whereas, said court failed to levy said tax for the year one thousand eight hundred and eighty-two, and certain owners of taxable property in said districts, in consequence of said failure, have refused and failed to pay said tax, or any part thereof, for the year one thousand eight hundred and eighty-two; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Henry county is hereby authorized and empowered to levy a tax of twenty cents on each one hundred dollars' worth of taxable property in districts numbers one, two, and three, in Henry county, for the year one thousand eight hundred and eighty-two, and a

poll-tax of fifty cents for the purpose of building turnpike roads in said districts, said levy to be laid in the manner now provided by law, and to be collected as provided by law from all persons owning taxable property in either of said districts who have failed to pay said tax for the year one thousand eight hundred and eighty-two; and the order of said court in levying said tax shall have the same force and effect as if it had been made in one thousand eight hundred and eighty-two, at the time when by law it should have been made: *Provided*, That the said levy shall only apply to the taxable property in said districts in one thousand eight hundred and eighty-two, and shall only be collected on the valuation of said property, as it has been ascertained by the assessment of that year.

§ 2. This act shall take effect from its passage.

Approved February 16, 1884.

CHAPTER 154.

AN ACT to incorporate the J. W. Ferguson Turnpike Road Company.

WHEREAS, It is represented that J. W. Ferguson has purchased the property and franchises of the Newtown and Leesburg Turnpike Road Company, under a decree of the Harrison circuit court rendered in pursuance to an act, entitled "An act to authorize the sale of the said road," approved April eleventh, one thousand eight hundred and eighty-two, which said road extends from the town of Newtown, in Scott county, to Leesburg, in Harrison county; and whereas, said Ferguson is desirous of forming a corporation for the purpose of owning, operating, and controlling said road; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. W. Ferguson, A. L. Ferguson, and W. S. Sparks, and their successors, be, and they are hereby, incorporated, made, and constituted a body-corporate, for the purpose of owning, operating, and controlling the turnpike road aforesaid, its property and franchises, and as such may contract and be contracted with, sue and be sued, and do all

other acts and things necessary for the purpose aforesaid as fully as natural persons. Said corporation may have a seal, but until one is provided may bind itself by the corporate name affixed by any authorized officer or agent.

§ 2. The capital stock of said corporation shall be the sum of six thousand dollars, to be divided into shares of one hundred dollars each, to be paid on such terms as the board of directors may fix; but the corporation may organize and prosecute the business herein named so soon as the sum of one thousand five hundred dollars is subscribed.

§ 3. Said corporation shall have all the powers, rights and privileges, and be subject to all the restrictions, pains and penalties, which were conferred or imposed by the charter, and various amendments thereto, of the Newtown and Leesburg Turnpike Company, and such further rights, powers, and privileges, and be liable to such further pains and penalties, as are provided under the general laws of this State for the regulation of turnpike roads: *Provided*, That if the acts of incorporation and amendments thereto of the former be inconsistent with the latter, the latter shall control: *And provided further*, That the officers of said road may consist of a president and two directors instead of the number named in the acts incorporating the Newtown and Leesburg Turnpike Road Company.

§ 4. This act shall take effect on its approval.

Approved February 16, 1884.

CHAPTER 155.

AN ACT for the benefit of the Carlisle and Jackstown and the Carlisle and Rogers' Mill Turnpike Road Companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for, and the Carlisle and Rogers' Mill and the Carlisle and Jackstown Turnpike Road Companies are authorized, through their respective superintendents or other officers of said companies respectively, to enter into an agreement, under and by which collection of tolls may be made by the gate-keeper of either of persons

who may pass in traveling over parts of both roads for the whole distance traveled over both: *Provided*, That toll shall not be received or demanded but once for the same travel over either road, and that the rate of toll per mile shall not be greater than that now fixed by law.

§ 2. That upon such agreement as is contemplated by the first section of this act being entered into, the gate-keepers of said road companies shall be authorized and are empowered to make collections of tolls of persons passing over parts of both roads for the whole distance traveled upon both roads, subject to the limitation and restriction imposed by the proviso to the first section.

§ 3. This act shall be in force from its passage.

Approved February 16, 1884.

CHAPTER 156.

AN ACT for the benefit of J. Win. Parker, of Lewis county.

WHEREAS, By an omission or mistake of the trustees of school district number thirty, of Lewis county, for the year one thousand eight hundred and seventy-seven, forty-two scholars in the pupil age were omitted in the census report to the commissioner, and the district deprived of the right to draw from the State the amount legally due forty-two scholars for said year, which was eighty-one dollars and six cents; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction be, and he is hereby, directed to draw his warrant on the Auditor of Public Accounts in favor of J. Win. Parker (who taught the common school in said district for said year) for the sum of eighty-one dollars and six cents, and the Auditor will draw his warrant in favor of said Parker on the Treasurer for said sum.

§ 2. That all acts for the benefit of J. Win. Parker, of Lewis county, heretofore passed in this respect, be, and the same are hereby, repealed.

§ 3. This act shall take effect from its passage.

Approved February 16, 1884.

CHAPTER 157.

AN ACT to authorize the county court of Warren county to subscribe stock in turnpike roads in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Warren county be, and it is hereby, empowered to pay to any turnpike company which has been, or may hereafter be, incorporated by the county court of said county, or by the Legislature of the State of Kentucky, the sum of one thousand dollars towards the erection and completion of every mile of turnpike which may be made in said county, in manner and form, and upon the condition, and subject to the limitations, as hereinafter provided.

§ 2. Said county court shall not pay or advance any money until the company making application therefor shall have completed one mile of well-constructed and durable turnpike road, of gravel or stone, as required by their respective charters, nor until said company shall have given in writing a statement showing that said company has ample means or private subscription on hand with which, and the one thousand dollars per mile to be drawn from the county, to construct and put in operation at least three (3) miles of turnpike road. Before paying said subscription, the said court shall cause said road to be carefully examined.

§ 3. Upon the payment of each one thousand dollars by the county court, the company to which it is paid shall issue a certificate of stock to the county of Warren for the amount so paid by her; and said county, acting through the county court, shall participate in the control and management and share in the dividends of any such road as any other stockholder.

§ 4. Said county court, in making payments and taking stock as hereinbefore provided, shall not give preference to any road over any other road which is in process of construction, or is in good faith proposed to be built; but in taking such stock shall be as nearly just to every portion of the county as possible; but in no event shall said county

court pay towards, or said county be a stockholder in, the roads of said county beyond the sum of thirty thousand dollars.

§ 5. All proceeding touching subscription of stock by said county shall be kept of record in the county court clerk's office, and the county court clerk shall keep a book, in which shall be recorded the date and amount of each subscription of stock by the county of Warren, in what company, and when said subscription was made.

§ 6. All dividends received by the county of Warren on the stock held by her in any turnpike company shall be paid into the county treasury as of the county named.

§ 7. Before said county court shall make any subscription of stock to any turnpike road company, as authorized by this act, said court shall submit to the qualified voters of Warren county the question whether or not the county of Warren shall subscribe stock in the turnpike companies in said county. Said question may be submitted, as aforesaid, at any time after at least twenty days' notice shall be given of said election, said notice to be given by publication for at least twenty days in some weekly newspaper published in Bowling Green, and also by printed posters displayed conspicuously in each of the voting precincts in Warren county. Said election shall be held in the same manner and by the same parties now authorized to conduct a general election in Warren county; and if a majority of those voting shall vote in favor of such subscription, then the county court shall make the payments, and take the stock as herein provided. For the purpose of ascertaining the will of the people on said question, two columns shall be opened in each poll-book for each precinct in said county at said election, one headed "For Turnpikes," and the other headed "Against Turnpikes." Before such question is voted upon, said county court shall cause notices of the fact of such submission to the voters of Warren county for at least twenty days before said election, such notices to be published in posters and weekly newspapers.

§ 8. If the county court deem it best, it may, instead of paying the subscription herein authorized in money, pay the

same in bonds of the county, to be issued in denominations of one hundred dollars and five hundred dollars, payable to bearer twenty years after date, redeemable at any time after five years from date, bearing (5) five per cent. interest from date, and payable semi-annually January first and July first of each year, with coupons attached; said bonds, if so issued, shall be sold at not less than par, or paid to the company in which the stock is taken at their face value. Said bonds or their proceeds shall be used in paying subscription to stock as herein provided, and for no other purpose; said bonds shall show on their face that they are in aid of turnpikes, and the clerk of the county court shall keep a full register of all bonds sold under this act, date of sale, number and denomination of bond, by whom bought, and when.

§ 9. The interest of the county in any road, to the extent of its stock in such road, shall at no time be liable for any debt or debts contracted by such company.

§ 10. This act shall take effect from its passage.

Approved February 15, 1884.

CHAPTER 158.

AN ACT for the benefit of the Carlisle and Sharpsburg Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be lawful for the board of directors of the Carlisle and Sharpsburg Turnpike Road Company, from time to time, as shall be by said board deemed expedient, a majority thereof concurring, out of the gross annual incomes of the company from tolls, to set apart a sum, not exceeding two per centum per annum thereof, for the purpose, as may be deemed necessary, of defraying the cost of changing the location of any part of its road, improving its grade, and increasing the width thereof, or any one or more of said objects; which said sums so from time to time set apart, shall be held and regarded as part of the costs of constructing, repairing, and maintaining said company's road.

§ 2. All the authority and power given and granted said company by its charter and amendments thereto, relating to

the manner and mode of acquiring right of way for the original location and construction of said road, shall apply and be exercised by said company in obtaining right of way for any proposed change of it, or to increase the width thereof: *Provided*, That the width of the road shall not be increased so as to exceed sixty feet (the width authorized by the original charter), except where cuts or a cut or fills, or a fill in said road shall require a greater width in improving the grade of the road, and then only to the extent that such improvement of grade may require it.

§ 3. This act shall be in force from and after its passage.

Approved February 16, 1884.

CHAPTER 159.

AN ACT authorizing the Jessamine county court to issue the bonds of said county and provide for the payment of the same, to pay a debt which Jessamine county owes to certain individuals for money loaned to pay a judgment against said county in favor of the Kentucky River Navigation Company.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky that the county court of Jessamine county has borrowed fifteen thousand dollars from certain individuals to pay off judgments obtained in the United States court at Louisville, Kentucky, against said county, and in favor of the Kentucky River Navigation Company; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Jessamine county, when the justices of said county, or a majority thereof, shall be present acting as a court, shall be authorized to issue the bonds of said county, not to exceed fifteen thousand dollars, of which bonds five thousand dollars shall be paid in one year from the date they are issued, five thousand dollars shall be paid in two years from the date they are issued, and five thousand dollars shall be paid in three years from the date they are issued; said bonds to be of the denomination of five hundred dollars, and to bear interest at the

rate of six per cent. per annum from date until paid, and shall be signed by the presiding judge of said court and countersigned by the clerk of said court.

§ 2. That the county court of Jessamine county shall provide for the payment of said bonds, and interest on the same, at the court of claims of said county each year, by a sufficient levy, until the interest and principal of said bonds shall be paid off.

§ 3. That this act shall take effect from and after its passage.

Approved February 16, 1884.

CHAPTER 160.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors within school district number twenty-two, in Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell spirituous, vinous, or malt liquors, or mixture of either, within school district number twenty-two, in Hickman county.

§ 2. If any person violate this act, such person shall, upon conviction before any court of competent jurisdiction, be fined of not less than twenty dollars, and not exceeding fifty dollars for each offense.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 16, 1884.

CHAPTER 161.

AN ACT to authorize the county court of Hickman county to issue bonds for the purpose of building and furnishing a court-house at Clinton, in said county, and to levy an ad valorem tax to pay the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Hickman county court, when a majority of the justices in commission are present, shall have the power to issue the bonds of said county, for the sum of twenty-

five thousand dollars, for the purpose of furnishing and erecting a court-house, and inclosing the grounds of the same, in the town of Clinton, in said county, payable at any time, not exceeding six years, bearing interest at a rate not exceeding six per cent. per annum from date of bond: *Provided*, That the county court aforesaid shall have the right to pay off any portion or all of said bonds hereby authorized to be issued at any time previous to their maturity, if, in the judgment of said court, it should be deemed proper to do so.

§ 2. That the bonds aforesaid authorized to be issued shall be of the denomination of not less than one hundred dollars each; the bonds so issued, when negotiated, shall be indorsed and dated by the county judge and county clerk in their official capacity, and when so indorsed and sold, shall be valid and binding upon said county: *Provided*, That said bonds shall not be sold for less than their par value.

§ 3. That the said county court, whenever it may see fit to redeem or pay off any of said bonds before the maturity of the same, as provided in the first section of this act, shall issue a call for the same, describing them by their serial numbers, notice of which call shall be published in a newspaper, if one be published in the county, at least four weeks—one publication each week—before the date set for redemption by said call; or if there is no newspaper published in said county, then said notice shall be posted at the court-house door in said county for at least thirty days, and the said bonds so called for redemption shall cease to bear interest after said date as fixed in said call.

§ 4. The said county court shall be authorized to levy an ad valorem tax annually on all property in Hickman county which is subject to State taxation for revenue purposes, for the purpose of paying off said bonds and interest, and all expenses incident to their issual, to be levied and collected as the general revenue of the county is now levied and collected by law: *Provided*, That said tax shall not exceed thirty-five cents on the one hundred dollars' worth of property in any one year.

§ 5. That the clerk of said county shall keep a record-book of said bonds, and the date of their issue, and when payable, and the date of payment and cancelation of same. Said bonds shall be numbered at the time they are indorsed by the county judge and clerk, in serial numbers, beginning with number one, and a minute of the same shall also be entered of record by said clerk.

§ 6. That said county court shall appoint a commissioner to negotiate and sell said bonds, to collect the proceeds of the same, and hold and disburse the same as directed and ordered by said court. Said commissioner shall be required to give bond in the sum of twenty-five thousand dollars, to be approved by the court, conditioned for the faithful performance of his duties as such commissioner; and for any breach or failure of duty, a motion or action may be maintained against him and his sureties on said bond in any court of general jurisdiction in said county.

§ 7. That the interest on said bonds shall be payable annually at the office of the sheriff of Hickman county, in the town of Clinton: *Provided*, That all bonds remaining unpaid at the date of maturity shall cease to bear interest after said date, unless presented for payment when due and payment is refused.

§ 8. All of said bonds remaining unpaid at the date of maturity shall be due and payable at the office of the sheriff of Hickman county; and if not paid on presentation when due, the sheriff shall indorse his certificate to that effect on the same, and thereafter said bonds shall continue to bear interest until paid: *Provided*, The county court may issue a call for the redemption of said bonds, as provided for in section third of this act, and thereafter said bonds shall cease to bear interest after the date fixed for redemption in said call.

§ 9. This act shall take effect from and after its passage.

Approved February 16, 1884.

CHAPTER 162.

AN ACT to amend an act incorporating Paducah and North Ballard Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter and act incorporating the above styled incorporated company be amended as follows: The Paducah and North Ballard Turnpike Road Company shall have, and the power is hereby granted said company, to purchase the Paducah, Hinkleville, and Blandville Gravel Road Company, its franchises, rights of way, road and road-bed, and all and singular its property and rights, of whatever character, which it holds under and by virtue of its charter. Before said purchase shall be made, a majority of the stockholders shall, in writing or by resolutions passed in a stockholders' meeting represented by a majority of stockholders, direct the board of directors to make the purchase.

§ 2. If said purchase of said "Paducah, Hinkleville, and Blandville Gravel Road Company" shall be made as hereby authorized, then said purchase shall operate as a consolidation and merger of the franchises, rights, and property so purchased into, and shall become a part of, the "Paducah and North Ballard Turnpike Road Company," under its charter; and the two roads shall, in future, be known as the "Paducah and North Ballard Turnpike Road Company." And so much of the act incorporating said purchased road as is in conflict with the charter of the "Paducah and North Ballard Turnpike Road Company" is hereby repealed.

§ 3. For the purpose of making said purchase, or for the purpose at any time of repairing or extending its road, or for the purpose of paying any debt or liability said company may owe or become liable for (but such debt and liability shall at no time exceed two thousand dollars), it may issue its coupon bonds, not to bear more than six per cent. interest, and payable at such time as the board of directors may by resolution fix; but such bonds shall not run for more than twenty years. The bonds to be signed by the president of the board of directors, and the coupons by the secretary; and to secure the payment of the interest on said

bonds as it falls due and the principal at its maturity, said company, by order of its board of directors, may make and execute a mortgage upon its franchises, road, right of way, and other property, and its tolls and income, to such person as they may name in trust, or as trustee for the bond-holders; and said mortgage, when so made, shall be and become a lien upon said company's franchises, property, income, and tolls. And upon the failure of said company to pay the interest on its bonds when the same falls due, or to pay off and discharge the bonds at their maturity; any holder of interest coupons or bonds may bring suit to enforce said mortgage lien in any court of general equity jurisdiction in McCracken county, and have said company's franchises, property, rights of way, road, and toll-houses sold, and the purchaser thereof shall be vested with all the corporate rights and powers of the company, and may operate said road under its charter, collect tolls, and do all acts that the corporation can or could do under its charter. But no such suit shall be brought until after thirty days' notice thereof shall be given to the president of the board of directors in writing. The proceeds of any sale of said road shall be applied *pro rata* to the payment of the interest and principal of all the bonds secured by said mortgage.

§ 4. That the act of the Legislature approved February eleven, one thousand eight hundred and eighty-two, which provided that the Paducah, Hinkleville, and Blandville Gravel Road Company should have until January first, one thousand eight hundred and eighty-four, to put its road in repair, and should collect no toll until put in good condition for travel, and that, during said time, said company should not be liable to suit or prosecution for not keeping said road in repair, shall be a protection to this company against all suits or prosecutions arising before January first, one thousand eight hundred and eighty-four.

§ 5. This act shall take effect from its passage.

Approved February 16, 1884.

CHAPTER 164.

AN ACT to more effectually enable the county of McCracken to collect in money all back taxes due said county or hereafter to become due.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all cases where real estate in McCracken county has been heretofore sold by any collecting officer or by other proceedings, on behalf of said county, for taxes due McCracken county, and bought by said county, it shall be lawful for said county, in its name, to file a petition in equity in the McCracken court of common pleas, or other court of said county that may have civil equitable jurisdiction, against the owner, his heirs, assigns, or devisees (as the case may be), of such real estate so sold as aforesaid, and bought by said county, describing the same with reasonable certainty; and also making defendant to the suit the owner by purchase (if any) of such real estate, and all mortgagees or other incumbrancers, if any, of said land at the time suit was brought; and it shall be lawful for the county, the plaintiff in the suit, to subject such real estate *in rem*, by the judgment of the court, and have a sale of such land under the same for the satisfaction of the amount of the price at which the county may have bid off such real estate at the collecting officer's sale of the same, or under other proceedings, with interest thereon at six per cent. per annum from the date of such sale until paid, and all cost of the action, including an attorney fee of five dollars, which shall be taxed as cost in favor of the plaintiff in the action in every case of recovery. And the county of McCracken is hereby declared to have a continuing and subsisting lien upon such real estate for the satisfaction of the amount of such taxes, interest, and cost aforesaid; and in the enforcement of the same as aforesaid no plea of the statute of limitations shall be interposed thereto, other than the statute of fifteen years.

§ 2. That it is the intent and meaning of this act that, in case the tax-payer in default, in the payment of his taxes heretofore, has sold his real estate so liable for said taxes, and the same shall be owned by different purchasers, then, and in all such cases, the aggregate liability on the whole

shall be apportioned *pro rata* upon the property of the different owners respectively; and in arriving at such apportionment, due regard shall be had for the assessor's books when they shall show the valuations on the different pieces of property. When the assessor's books shall not show the valuations of the different pieces owned by different purchasers, when suit shall be brought under this act, then an equitable apportionment as between the different owners may be arrived at by allegation and proof, and for this purpose all persons interested in the question may be made parties to the suit: *Provided, however,* That where the assessor's book shall show the valuation of any one piece of property, such valuation shall be the standard of liability against it, and in such case a separate action, with proper allegations, may be brought to subject it to the satisfaction of the unpaid taxes as against it. In such case it shall be necessary only to make parties defendants the owners thereof for apportionment between them.

§ 3. That it shall be incumbent on the plaintiff in such suits to procure from the legal custodian of the records showing former sales copies of the records of such sales of such real estate, and file the same as exhibits with the plaintiff's petition, and the same shall be legal evidence of the facts the copies purport to show; and the same, with appropriate allegations in plaintiff's petition, shall be *prima facie* evidence of the plaintiff's right of recovery in the action, and to subject the property sought to be made liable; and in all cases where the copies of the records of the sales may be defective in failing, through mistake or uncertainty or vagueness, to accurately or definitely describe the land so sold and sought to be subjected, all such defects may be explained, corrected, and cured by appropriate allegations in plaintiff's petition; and if in such cases it shall be made reasonably to appear that the land sought to be subjected is the land in whole or in part that was originally assessed, and was bound for the taxes, and the same intended to be described and sold for the same, it shall be enough; but it shall be competent for the defendant or defendants in the action to show affirmatively, if they can, by competent evi-

dence, that the claim for taxes sought to be enforced has been paid in whole or in part; and if shown to have been paid in whole, before or since the sale, and before suit brought, the action thereby be defeated and the defendants shall recover their cost.

§ 4. That the provisions of the foregoing section shall apply to and furnish a like remedy in cases of sale for taxes hereafter made by collecting officers of taxes due McCracken county, when the county shall be the purchaser at such sales.

§ 5. That in all cases whatsoever the court shall have complete equity jurisdiction to hear and determine all issues that may arise, and give judgment thereon according to the right, justice, and equity of every case. And all sales under judgment of the court in pursuance of this act need not be advertised in newspaper unless specially directed by the court, and the same shall be on a credit of six months, without appraisement or redemption of the property sold; but no more shall be sold than shall be necessary to satisfy the liability adjudged against the property, and the judgment shall so specify.

§ 6. That the McCracken county court, with or without the presence of the justices presiding with county judge, shall have the power to employ a suitable person to bring and prosecute for the county all actions contemplated by this act, and collect the taxes mentioned herein, and also to agree with said person for his services to be compensated by allowing him a per cent. of the amounts realized by him in the suits, in addition to his taxed attorney fee of five dollars in each case.

§ 7. And it shall be the duty of such person to faithfully represent the interest of the county in the prosecution of all suits under this act, and pay over all moneys that may be collected by him, as shall be ordered by the court; and he may be required by the court to report his actings and doings whenever and as often the county court may order him to do so. And said county court may require him to execute a covenant, payable to the McCracken county

court, with surety to be approved by the court, for the faithful discharge of all his duties under this act.

§ 8. This act shall take effect from and after its passage.

Approved February 18, 1884.

CHAPTER 165.

AN ACT to incorporate the Bowles Market-House Company, in Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George S. Allison, James S. Barrett, and James M. Fetter, their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name of the Bowles' Market-House Company; and by that name shall have power to make contracts, to sue and be sued, to hold or own any real or personal estate necessary or convenient for the transaction of the business of said company; to have a common seal, and to change the same at pleasure.

§ 2. The capital stock of said company shall consist of five hundred (500) shares of the par value of one hundred dollars each, making a total of fifty thousand dollars, with power on the part of the directors of said corporation to increase the said capital stock to any sum not exceeding one hundred thousand dollars, such increase to be divided into shares of one hundred dollars each; part of said stock may, at the discretion of the corporation, be made and issued as preferred stock, and such preferred stock shall be entitled to such privileges, benefits, and preference as may be prescribed by the by-laws under which the amount of stock shall be fixed and issued. Such preferred stock shall be issued only in settlement of lien or preferred debts of Jas. W. Bowles' assignee, as hereinafter mentioned.

§ 3. Said corporation is authorized and empowered to hold, own, and operate as a market-house the property known as the Bowles Market Block, on the south side of Jefferson street, in Louisville, Kentucky, near the corner of Preston street; or if it should be deemed advisable, it may, at any time hereafter, by the consent of the Louisville city

council, remove the location of said market to any other part of the city of Louisville, and to this end it may purchase and receive a conveyance of said Bowles' market, or of any other real estate in said city necessary or convenient to its use as such market-house; and in said market it may rent or sell stalls or spaces to butchers, gardeners, or others desiring to use the same for market purposes. It may also use, lease, or otherwise dispose of any part or parts of its buildings or improvements as stores, halls, or offices. It being further represented that the incorporation of said Bowles Market Company is in part designed as a convenient method of winding up the assigned estate of James W. Bowles in the interest of creditors who have purchased the same, said company is further authorized and empowered to purchase, hold, and own any real estate or other assets which belonged to said James W. Bowles, and which have been purchased by or for any of his creditors.

§ 4. Said corporation is authorized and empowered to pay for the real estate or other property purchased by or conveyed to it in money or in its capital stock, on such terms as it may deem best. It may also issue its capital stock as fully paid-up stock in payment of any debt or demand due by James W. Bowles, and secured by his deed of assignment to James Buchanan, recorded in the Jefferson county clerk's office, in deed book number one hundred and ninety-five, page two hundred and eighty, or of any debt or demand which has been created by his assignee, James Bridgeford, or arising out of the administration of the trust created by said deed of assignment, including the fees of counsel of the trustee.

§ 5. The affairs of the corporation shall be managed by a board of five directors, to be annually elected by the stockholders, who shall hold office respectively until their successors shall have been elected; but the first board of directors shall consist of the incorporators hereinbefore named, and of two other persons to be selected by them; and they shall continue in office until the election of their successors at the annual meeting of the stockholders, to be held not sooner than one year from the organization of the corpora-

tion. The board of directors shall possess and exercise all the powers of the corporation, except in so far as the exercise of their powers may be limited by the by-laws of the corporation itself.

§ 6. Said corporation may sell, lease, mortgage, or otherwise dispose of any of its property or assets in such manner and on such terms as it may deem fit.

§ 7. The private property of the stockholders shall not be liable for the debts of the corporation.

§ 8. This act shall take effect from its passage.

Approved February 18, 1884.

CHAPTER 166.

AN ACT to authorize the county court of Adair county to levy an ad valorem tax for the purpose of building a new court house in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of building a court-house in Adair county, it shall be lawful for the county court of said county to levy on the property listed for taxation for revenue purposes an ad valorem tax of not exceeding fifty cents in any one year on each one hundred dollars, and provide for the collection of the same. The proceeds of such levy, when collected, shall be applied exclusively to the purpose aforesaid; but no such tax shall be levied unless a majority of the justices of the peace of said county shall be present and concur therein: *Provided further*, That this levy shall not be in addition to the fifteen cents now allowed by section six, chapter eighty-nine, of the General Statutes, to be levied for such purpose.

§ 2. That the sheriff or the collector of county levy of said county shall collect said tax, and shall be liable for the same on his bond for the collection of the county levy, and shall receive for collecting the said tax the same compensation allowed by law for collecting the revenue.

§ 3. That the sheriff or collector collecting said tax shall pay over the same on or before the fifteenth day of Decem-

ber, in each year, to such person or persons as the county court may order.

§ 4. That it shall be the duty of the president, cashier, or other officers of any bank, turnpike company, or other incorporated companies in said county (that do not list their stock and property with the assessor for taxation), on or before the first day of May of each year, to report under oath to the county court clerk of said county the number of shares of stock held in such bank, turnpike, or corporation, and the value of each share of such stock, and of all the property and the value thereof owned by such corporation on the tenth day of January preceding such report.

§ 5. That it shall be the duty of the officers of such bank, turnpike, or other corporations, on or before the fifteenth day of December, to pay to such person as the county court may direct, the same amount of tax on each one hundred dollars' worth of such stock and property as said county court has levied on the property in said county listed for revenue.

§ 6. That if any such bank, turnpike, or other corporations should fail or refuse to make said report, or pay said tax in the time provided by this act, the same may be recovered by suit in the Adair circuit court in the name of Adair county.

§ 7. This act shall take effect from and after its passage.

Approved February 18, 1884.

CHAPTER 167.

AN ACT to incorporate the Stringtown and Beechfork Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company may be formed a body-politic and corporate, by the name and style of the Stringtown and Beechfork Turnpike Road Company, in which name it may sue and be sued, and may contract and be contracted with, for the purpose of constructing and keeping in repair a turnpike road in Nelson county, from Stringtown to intersect

the Bloomfield and Springfield Turnpike Road in the direction of Glenville.

§ 2. That said road company may organize and elect a president and five directors whenever the sum of five thousand dollars may have been subscribed for the building of said road, which president and directors shall hold their offices for one year, and until their successors are elected and qualified. Said president and directors shall be duly sworn as such before entering upon the duties of their respective offices. A majority of said directors, together with the president, shall constitute a quorum for the transaction of business. The board, when organized, may appoint a secretary and treasurer, and such managers and agents as to them may seem proper, and may fix and allow a reasonable compensation to the president and other officers or agents for services rendered. The board of directors may fill vacancies in office until the next regular election. The shares of stock shall be fifty dollars, and each stockholder, in the election of officers, shall have one vote for each share of stock owned by him. The time and place of all elections, after the first, shall be fixed by the board of directors, and notice thereof posted at five or more of the most public points on the route of said road, at least ten days before such election.

§ 3. Said president and directors, by order of the board, shall fix and regulate the elevation and grade of said road, and the width thereof, and the depth of metal to be placed thereon, and the width and depth of the side ditches and drains, and the size of culverts. They may designate the places for toll-gates and toll-houses, and own so much ground, and hold title to same, as may be necessary for toll-house lots and stone quarries; and they may fix the rates of toll to be charged and collected on said road, but not to exceed the rates fixed by General Statutes; and when (3) three miles of said road are finished and opened to public travel, may charge and collect toll.

§ 4. The board of directors may call for and order the payment of the capital stock subscribed to said road, at such times, and in such installments, not inconsistent with

the terms of subscription, as they may deem proper, and each installment called for shall be due and payable ten days after call. No stockholder shall vote at any election of officers, or be entitled to any rights of a member of said company, unless the whole amount due and payable by him as aforesaid shall have been paid agreeably to the requirement of the board of directors; and if such stock, or any installments of same, shall remain unpaid for twelve months after such call, then the board of directors shall have the right, by an order of the board, to declare such stock forfeited.

§ 5. That any stock which has been, or may hereafter be, subscribed to said road by the Nelson county court, shall be regarded as other stock, and the judge of said court, or such commissioner as he may appoint for the purpose, shall vote the county stock in all elections for officers of said road.

§ 6. That said company may have as many toll-gates as they may deem proper: *Provided*, That the rates of toll thus demanded shall not exceed those fixed in chapter one hundred and ten of the General Statutes, title "Turnpike, Gravel, and Plank Roads;" and said company may enforce the collection of such rates of toll for the distance traveled by suit, if necessary.

§ 7. That said company shall have all other rights, and be subject to all the pains and penalties embraced in chapter one hundred and ten of the General Statutes, title "Turnpike, Gravel, and Plank Roads;" and may have and use a common seal.

§. 8. Said turnpike road company may consolidate with the Bardstown and Chaplinton Turnpike Road Company with the concurrence of the board of directors of both companies, under an order of the respective boards made and entered in their minute books, in which case there shall be a president and five directors, constituting a new board of directors, chosen for said consolidated road by the stockholders of both of said roads uniting in such election; and said president and directors, when duly sworn as such, shall have all the rights and powers, in transacting the affairs of the consolidated road, that are given in the respective char-

ters and in the General Statutes to the president and directors of each road.

§ 9. This act shall take effect from its passage.

Approved February 18, 1884.

CHAPTER 168.

AN ACT for the benefit of F. A. Hopkins, his lessees, assignees, and grantees.

WHEREAS, It appears to this General Assembly that F. A. Hopkins is the owner of a certain parcel of land, fronting on Sandy river, in Floyd county, Kentucky, extending from the Sang factory branch down to the first little drain above the mouth of Middle creek, and that said Hopkins has erected a warehouse upon said land, and made other improvements for the benefit of shippers and navigation upon said river; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for said F. A. Hopkins, his lessees, assignees, and grantees to charge and collect a fee of not exceeding fifty cents upon each boat or craft landing at said landing, or at any boat lying at said landing; also to charge and collect a reasonable wharfage upon all shipments of goods or merchandise of any kind passing over said landing while in course of shipment, but not to exceed the usual rates charged along said river upon similar articles.

§ 2. He shall have a lien upon all such goods for his said wharfage, to be enforced as other liens for wharfage, and may proceed against any boat or craft for the fee herein provided for by suit.

§ 3. This act shall take effect from and after its passage.

Approved February 18, 1884.

CHAPTER 169.

AN ACT for the benefit of Henderson county, amending and reducing into one the acts relating to roads in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The county judge of the Henderson county court shall divide all the roads in said county into precincts, and, as often as may be necessary, appoint a surveyor in each precinct, whose duty it shall be to superintend the road therein, and see that the same is worked and kept in such repair as the agreement of the contractor thereon with the county court requires. No surveyor shall be allowed, unless by consent of the court, to resign such place under two years, except he remove from the precinct. Any surveyor may be removed at any time by said court.

§ 2. The clerk of the county court shall, within ten days after the appointment of a surveyor of a road, deliver a copy of the order to the sheriff of the county, containing a full and complete description of the precinct, and take his receipt therefor. The sheriff, within fifteen days thereafter, shall deliver a copy of the order, and a description of the precinct, to the surveyor, and to return the original to the clerk's office of the Henderson county court, with the time of the service indorsed, which shall be evidence of the facts stated therein. The clerk shall post up in his office, once in every year, a list of the names of all the surveyors in the county, designating the precinct of each surveyor. The clerk or sheriff failing to perform the duties prescribed in this section shall be fined two dollars and a half for each neglect.

§ 3. Each surveyor of a public road shall be furnished with a copy of the contract for the working of the road in his precinct. He shall report to the county judge any failure upon the part of the contractor thereon. He shall certify to the county judge when the contract has been properly complied with. He shall be exempt from jury service, and from poll-tax for road purposes, only during his continuance in said office. For a failure to discharge any of his duties prescribed by this act, said surveyor shall be fined

therefor not less than five nor more than fifteen dollars for each offense, to be recovered by warrant in the name of the Commonwealth of Kentucky; and the quarterly court shall have exclusive jurisdiction of all proceedings against surveyors of roads.

§ 4. The county judge shall, at the court-house door in Henderson, on the first Monday in April in each year (and such other times as he shall find necessary), let out the working and keeping in repair the public roads in Henderson county to the lowest and best bidder, for such length of time as he may choose (not exceeding his own term of office), after due advertisement of two insertions in two or more of the county papers, and by a printed notice posted up for at least fifteen days before such letting, at the voting place in each voting precinct in the county: *Provided*, That the fund raised by the levy court under this act shall be sufficient to work all the public roads in said county; and if not sufficient, then it shall be used at such places and for such roads as the county court may think best, having due regard to the public good and the wants of the different parts of the county.

§ 5. Each contractor shall execute to the Commonwealth a bond, with good security, to be approved by the county judge, in double the amount he is to receive for his contract for the faithful performance of the said contract; and said bonds shall be filed at the next regular term of the Henderson county court after the letting, which shall be noted of record, and the bonds kept on file by the clerk of the court in his office in bundles, marked "contractor's bonds," and certified copies of said bonds shall be competent as evidence; and the county judge shall deliver to each surveyor a copy of the bond of the contractor on the road in the surveyor's precinct. Any contractor who shall fail, in whole or in part, to complete his contract within the time and in the manner prescribed therein, or who, having contracted to keep any part of the public roads in good order for traveling or hauling, or any bridge or culvert in good repair, and who shall fail to do so, shall, for every failure, be deemed

guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten nor more than one hundred dollars.

§ 6. All fines assessed under this act shall be collected as other fines, and shall inure to the benefit of the road fund of Henderson county, and shall be paid out by the sheriff under the orders of the county judge.

§ 7. The county judge shall provide work on the roads of the county, or on the streets of the towns, for such persons convicted of penal offenses as may, by order of the proper authority, be required to work on roads or streets, or to work out fines assessed against them on the roads or streets under the provisions of general or special laws, and may, when necessary, put a ball and chain upon any such persons to prevent their escape; and, if necessary, may employ some suitable person to oversee and guard them while at work.

§ 8. The county judge shall let out the construction or repairing of the bridges in Henderson county not included in the agreement of any contractor, or the levy court may, in their discretion, appoint a special commissioner to let out any bridge or bridges, and provide for his compensation therefor; and such county judge or special commissioner shall be held liable for any failure in regard to any bridge so let by them respectively; and the court may require bond, with surety, from the special commissioner.

§ 9. That all delinquent capitation tax-payers of Henderson county shall be required to work out their taxes at such times on the roads in their several precincts as the surveyor thereof may require, for which work such delinquents shall have credit at the rate of one dollar for each full day's work performed by him. For failing or refusing to comply with the orders of said surveyors, when notified, all such delinquents are made liable to the penalties now imposed by law for persons failing or refusing to work on roads. The several surveyors are authorized and empowered to collect the taxes due from such delinquents in their several precincts, if they shall elect to pay the same rather than work on the roads; and the same shall be held and applied

as a part of the road fund, and reported and paid over by said surveyor to the county judge, taking and filing with the county clerk his receipt therefor; and said clerk shall give to said surveyor a certified copy of said receipt, which shall have the same effect in his hands as the original.

§ 10. The county court of Henderson county may open roads not exceeding sixty feet in width, or may increase the width of established roads to sixty feet, anything in the general laws to the contrary notwithstanding.

§ 11. That the courts of the justices of the peace in and for Henderson county shall have jurisdiction concurrent with the quarterly court of all proceedings against road contractors under this act, and it shall be the duty of any justice, or the county judge, upon his own knowledge, or upon complaint of any surveyor, or upon the information, under oath, of any citizen that any part of the public road is out of repair, to issue his warrant against the delinquent contractor, returnable to his own or some other justices' court, or to the Henderson quarterly court; and upon the execution and return thereof, such proceedings shall be had as are had in other Commonwealth cases. In proceedings under this act, the defendant shall have no right to claim his district, and both the Commonwealth and defendant shall have the right of appeal from justices' courts to the quarterly court, and from the quarterly court to the circuit court.

§ 12. It shall be the duty of the county attorney to prosecute all warrants under this act, and for such prosecutions he shall receive twenty-five per cent. of the fines recovered, and upon his failure, the court may appoint some attorney in his stead, who shall receive said commission for his services. All fines assessed under this act shall be collected as other fines, and shall inure to the benefit of the road fund of Henderson county, and shall be paid out by the sheriff under orders of the county judge.

§ 13. It shall be unlawful for the county judge, county attorney, sheriff, collector of the revenue, or any surveyor, to become, directly or indirectly, interested in any contract for working roads or building or repairing bridges; and it

shall be unlawful for either of said officers to buy or become interested in any claim growing out of said work or contract. For a violation of this section, either of said officers shall be guilty of a misdemeanor, and, upon indictment and conviction thereof, shall be fined not less than fifty nor more than five hundred dollars. This section shall be given in charge to the grand jury by the judge of the Henderson circuit court.

§ 14. Any person who shall willfully or negligently injure or destroy, or obstruct any of the said public roads or bridges, or any of the culverts or ditches on said roads, he shall be fined not less than five nor more than twenty-five dollars, to be recovered in like manner as the fines prescribed herein for surveyors; and shall also be liable in double damages to the county, or any person aggrieved or injured, to be recovered in any court having jurisdiction of the amount. It shall be the duty of the surveyors to report promptly to the county judge any violation of this section.

§ 15. The county court, a majority of the justices agreeing, shall, on some regular county court day, assess a tax of not more than ten cents on each one hundred dollars' worth of property assessed for revenue purposes, and a capitation tax not exceeding two dollars on each person in said county required by the general law to work on roads.

§ 16. The ad valorem and capitation tax provided for in section fifteen of this act shall be collected as other revenue due the county is collected, and under the same obligations by the collecting officer, and shall be paid out by said collecting officer to road and bridge contractors, on the order of the judge of the Henderson county court. The said court, at the same time, shall assess a further capitation tax, not exceeding two dollars on each person, which shall be collected in same manner and under same obligations as road tax herein provided, which shall be paid out by the said collecting officer, on the order of the county judge, for the construction and repairing of bridges in Henderson county; and said officer shall take and produce, at his annual settlement with the county, the order under which the money was paid; and a certificate of the contractor (indorsed

“approved” by the county judge) setting forth the work, materials, &c., used in the construction or repair of any bridge designated by name or locality, as fixed by the road on which said bridge is erected; and unless the order is accompanied by the certificate aforesaid, said officer shall not be allowed in his settlement the amount paid.

§ 17. Chapter ninety-four of the General Statutes is hereby adopted and made part of this act, except when it comes in conflict with the provisions of this act; and all other road laws passed for Henderson county are hereby repealed: *Provided*, Persons living within the limits of the city of Henderson are exempt from the taxation provided for in this act; and that all property lying within the limits of said city shall be exempt from taxation under this act.

§ 18. All contracts for work on roads and bridges in said county that may have been let prior to the time this act goes into effect, shall be performed in accordance with the provisions of this act.

§ 19. This act shall take effect and be in force from and after its passage.

Approved February 18, 1884.

CHAPTER 171.

AN ACT for the benefit of common school district number twenty-nine, Bullitt county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the trustees of school district number twenty-nine, in Bullitt county, to have a three-months school instead of a five-months school, as now required by law, for this year only.

§ 2 All acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved February 18, 1884.

CHAPTER 172.

AN ACT for the benefit of Samuel Hollinsworth, late sheriff of Jackson county.

WHEREAS, Judgment was rendered against Samuel Hollinsworth and his securities, as late sheriff of Jackson county for balance of revenue due from said Hollinsworth for the year one thousand eight hundred and eighty-two, at the last June term of the Franklin circuit court, for seven hundred and thirty-five dollars and eighty-five cents; and whereas, all of said judgment has been paid by said Hollinsworth but eighty-six dollars and eighty-eight cents; and whereas, the whole principal has been more than paid; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the interest accruing upon said judgment be released, and upon the full payment by said Hollinsworth of any principal that may be due upon said judgment, that he be receipted in full against said judgment.

§ 2. That this act take effect from its passage.

[Became a law without the signature of the Governor]

CHAPTER 173.

AN ACT for the benefit of John F. Arnsperger, of Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John F. Arnsperger, an infant over twenty years of age, of Henry county, be, and he is hereby, authorized and empowered to sue and be sued, contract and be contracted with, and to collect by suit or otherwise any legal debts or demands he may have, and do all acts and things concerning his business affairs the same as if he were over twenty-one years of age.

§ 2. This act shall take effect from its passage.

Approved February 18, 1884.

CHAPTER 174.

AN ACT to amend the charter of the Georgetown Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Georgetown Cemetery Company, approved March seventh, one thousand eight hundred and fifty, be amended as follows, to-wit: That the trustees of said company are hereby authorized and empowered to use all money received from the sale of lots to pay, first, the salary of the superintendent; secondly, to pay for the necessary repairs of the buildings of the company and necessary improvements of the grounds; and if at the end of each year there is a surplus of funds in the hands of the treasurer, after making these payments, the trustees shall distribute the said surplus *pro rata* among the subscribers of the original fund of said company until their subscriptions shall be paid in full.

§ 2. All acts or parts of acts in conflict with the preceding section are hereby repealed.

§ 3. This act to take effect from its passage.

Approved February 14, 1884.

CHAPTER 175.

AN ACT to incorporate the Hardinsburg and Cloverport Telephone Company, in Breckinridge county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. F. Beard, James E. Stone, jr., John R. Johnston, F. N. DeHuy, and V. G. Babbage, their associates and successors, are hereby created a body-corporate and politic, with power to sue and be sued, to contract and be contracted with, under the name of the Hardinsburg and Cloverport Telephone and Telegraph Company.

§ 2. That they are empowered to erect and maintain a telephone line or telegraph line from Hardinsburg to Cloverport, in Breckinridge county, or to or from either of the points above named; and said company is hereby invested with all the powers, privileges, and franchises incident and

usual to corporate bodies incorporated under the laws of this Commonwealth, and shall have power to make such rules and regulations, and alter and amend the same, as to them shall seem best, not contrary to the laws of this State or the United States.

§ 3. Any one or two of the incorporators above named may act as commissioners to open books, receive subscriptions for the purpose aforesaid, and to issue certificates of stock, and when twenty-five shares of stock shall have been subscribed, shall call a meeting and organize by electing a president and three other stockholders, who shall constitute a board of directors.

§ 4. Said board shall continue in office one year, and until their successors are elected and qualified at a meeting of the stockholders, to be held annually for that purpose, in the town of Hardinsburg, on such day and at such place as the board may direct, and of which due notice shall be given to the stockholders.

§ 5. The board may appoint such other officers as they may deem necessary for carrying out the purposes contemplated in this act, and may make all needful rules, regulations, and by-laws in regard to said company and its business and shall require bond, with good security, from the treasurer or others holding or controlling the funds of said company to fully secure the same.

§ 6. The capital stock shall not be less than — hundred dollars nor more than one thousand dollars, divided into shares of ten dollars each.

§ 7. Said company may acquire, hold, and dispose of such personal property as may be necessary to the proper carrying on of their business.

§ 8. In no case shall the private property of the stockholders be liable for the company.

Approved February 18, 1884.

LAWS OF KENTUCKY.

CHAPTER 176.

AN ACT to repeal an act, entitled "An act to extend the corporate limits of the town of Irvine, in Estill county," approved April fifteenth, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to extend the corporate limits of the town of Irvine, Estill county," approved April fifteenth, one thousand eight hundred and eighty-two, be, and the same is hereby, repealed.

§ 2. This act to take effect from its passage.

Approved February 18, 1884.

CHAPTER 177.

AN ACT repealing an act reducing the county levy in the county of Pike, and authorizing the court of claims laying ad valorem tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, approved February sixth, one thousand eight hundred and eighty-two, and entitled "An act reducing the county levy in the county of Pike, and authorizing the court of claims to levy an ad valorem tax," be, and the same is hereby, repealed.

§ 2. This act shall be in force from and after its passage.

Approved February 18, 1884.

CHAPTER 178.

AN ACT to amend an act, entitled "An act authorizing the county court of Nelson county to subscribe stock to turnpike roads."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act authorizing the county court of Nelson county to subscribe stock to turnpike roads," approved March eighth, one thousand eight hundred and sixty-seven, shall not be construed as to authorize said court to subscribe stock to any turnpike road that is completed.

§ 2. This act shall be in force from its passage.

Approved February 18, 1884.

CHAPTER 179.

AN ACT to incorporate the Continental Mutual Life Insurance Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Eli H. Brown, George Lambert, John C. Walker, A. H. Peyton, R. W. Taylor, and their associates and their successors, be, and they are hereby, created a body-politic and corporate, with perpetual succession, under the name and style of The Continental Mutual Life Insurance Association; with power to sue and be sued, contract and be contracted with, in its corporate name; to acquire and hold such real estate and other property as may be necessary in the judgment of its board of trustees for its purposes, and may dispose of the same; to make and use a common seal, renewable and changeable at pleasure; and by its said board to make such by-laws, rules and regulations, not inconsistent with law, as may be deemed necessary and appropriate in carrying out the purposes of this act.

§ 2. The object of this association is to create and provide financial aid for the families, heirs, devisees, legatees, and assigns of deceased members, and for the relief of members in sickness. The board of trustees shall determine who shall be members, and upon what terms they are to be received; may reject applications for membership, fix and determine the same to be paid by its members, such as membership fees, annual dues, and annual assessments.

§ 3. The home office of said association shall be in the city of Louisville, Kentucky; and upon the call of two or more of the incorporators named in section one, said incorporators, or a majority of them, may meet and organize said association by electing therefor a board of five trustees, who shall have the management and control of the said association in accordance with its charter and by-laws, and shall, from their own number, elect as principal officers a president, a vice president, and a secretary; and said board may appoint such other officers and agents as it may deem necessary for the transaction of the business of said association.

§ 4. From the members of said association two separate funds shall be collected, one to be known as the "mortuary fund," the other as the sick benefit and expense fund.

§ 5. The mortuary fund shall consist of seventy-five per cent. of the mortuary and sick benefit annual assessment collected from each member, in such amounts, at such periods, and in such manner as may be prescribed in the by-laws of said association. And said mortuary fund shall, as collected, be deposited in some national or chartered State bank or banks, which shall from time to time be designated by the board of trustees as the depository or depositories of the aforesaid mortuary fund. And said fund, when so deposited, shall be held sacred for the purposes hereinafter named, and shall not be withdrawn, except for the payment of death benefits, taxes which may be assessed against said fund, Insurance Commissioner's fee for the annual examination of the receipts and disbursements of the association, and for costs and expenses of suits which may be necessary in protecting the association against improper claims for death benefits, or to transfer said fund or any part of same to some other national or State bank or banks, which, for any reason, might be deemed proper to do so by the officers of the association, in which case the transfer shall be made by a check to be drawn on the bank containing the fund at the time of such transfer, and in favor of, and to the order of, the bank to which the transfer is being made; and when, for either of the foregoing objects, it shall be necessary to draw upon the said fund, the bank or banks which may be designated as aforesaid shall only pay checks which specifically set forth on their face the purpose for which the money is required, and that said checks are subscribed by the secretary and countersigned by the president or vice president of the association. Whenever it shall appear that as much as two thousand dollars in cash is to the credit of said fund in the depository of the association, it shall be the duty of the principal officers of the association to invest one thousand dollars of such funds in interest-bearing bonds of the United States, State of Kentucky, city of Louisville, or in good real estate securities, for the purpose of the better

securing and enlarging said fund; but if the officers of said association can keep more or all of the cash deposits of said fund invested in interest-bearing securities they may do so; and whenever any of said bond or securities are purchased, they must be deposited with, and held by the depository of the association, until required for the payment of such claims which said fund is intended to liquidate; when and in such case said association shall have power to withdraw and dispose of said bonds or securities, and apply the proceeds to the payment of said claims. But should it appear at any time that a deficit to pay a death loss exists by reason of a deficiency in the amount of annual assessments assessed against members of the association, then and in such case the association shall have the power to make a deficiency assessment, *pro rata*, upon its members, on account of the insufficiency of former assessments paid by them. The said association shall execute a bond to the Commonwealth of Kentucky, with good security, for the faithful application of the said mortuary fund to the purposes herein specified; which said bond shall be taken and approved by the chancellor of the Louisville chancery court, and filed in said court; and any member of said association shall have remedy on said bond for any failure on the part of said association to faithfully apply said fund.

§ 6. The fund due deceased members shall not be subject to the claims of creditors of said decedents, and shall not be reached by attachment, garnishment, or other process of law, so as to divert it from the families of such members or their beneficiaries, if such be named in applications for, or in certificates of, membership; but no certificate of membership shall be issued upon the life of any person unless the beneficiary thereof shall have an insurable interest in the life of the person to whom the certificate shall be issued.

§ 7. The fund due deceased members shall be paid within ninety days after legal proofs of the death of such members; and unless such a claim is asserted within two years from the death of a member, all right of recovery shall be forfeited.

§ 8. The sick benefit and expense fund shall be devoted exclusively to the payment of sick benefits (to be provided for by by-laws) and the expenses of the association; and said fund shall be provided for as follows, viz: twenty-five per cent of the annual assessment named in section five, and known as the mortuary and sick benefit annual assessment, shall be set apart to this fund, together with such membership fees and annual dues as shall be prescribed for by the association in its by-laws. The amount of said annual dues shall be stated in each application for membership and in each certificate of membership, and shall not be thereafter increased. All the expenses and claims, including sick benefits, against the association, except those named in section five of this act, shall be paid out of this fund.

§ 9 Members failing to pay their annual assessments and dues, or either of them, at the time and in the manner prescribed for in the by-laws of the association, and as agreed upon in the member's application for membership, and as set forth in the membership certificate, shall forfeit membership in the association: *Provided*, That thirty days' notice of the maturity of his assessments or dues shall have been mailed to their address by the secretary; and in such case the certificate of membership shall become void. All moneys paid on account of such membership shall be forfeited to the association, and no benefit shall accrue or be payable to any person on the death of such member. Said member may be reinstated within thirty days after such forfeiture, on such equitable terms as the board of trustees shall prescribe.

§ 10. That on or before the twenty-fifth day of January in every year, it shall be the duty of the principal officers of said association to make a statement of its financial condition, showing the receipts and disbursements of the same for the fiscal year ending the thirty-first day of December preceding. And such statement shall be submitted to the Insurance Commissioner of this State. It shall be the duty of the State Insurance Commissioner to verify the same each year, and he shall be entitled therefor to a reasonable fee of not less than one hundred nor more than three hun-

dred dollars per annum, to be paid by the said association. A printed copy of such statement shall be mailed to each member of the association. If, at any time, the Commissioner of Insurance shall have cause to believe that said association is in any way violating its charter, he may make or cause to be made an examination of said association; and if he shall find that there is such a violation as in his judgment shall justify him in so doing, he is hereby authorized to take such steps to annul this charter as are now required by law to annul the charters of insurance companies according to the law establishing the Insurance Bureau.

§ 11. The secretary of said association shall have charge of the records, books, and collections thereof, and shall give bond to the association in such sum and with such surety as the board of trustees shall require, which bond shall be filed and recorded in the Louisville chancery court.

§ 12. The said association being of a purely benevolent character, it shall not be subject to the laws of this State governing life insurance companies, except as herein provided.

§ 13. At the time of making the annual statement provided for in section ten, this association shall pay into the Treasury of the State of Kentucky, as a tax on aforesaid mortuary fund, fifty cents on each one hundred dollars thereof, on hand on the thirty-first day of December preceding said annual statement, and said tax shall be in lieu of all other State, county, and municipal taxes upon said association's property, except that its real estate and other personal property shall be subject to the same taxation as shall be imposed on the real estate and personal property of private persons.

§ 14. The tenure and term of office in the said association, and the mode of filling vacancies therein, the amount of sick benefit and mortuary assessments, membership fees, and annual dues, and all other matters necessary and appertaining to the business and objects of the association, and not inconsistent with or contrary to law, may be fixed and regulated by the by-laws of the same.

§ 15. The association may issue certificates of membership to women and upon joint lives of husband and wife only, but the rates of assessments, membership fees, annual dues, and all other matters appertaining to such membership, must be clearly set forth in the by-laws of the association.

§ 16. The private property of the incorporators, officers, or members of the association, shall not be liable for any of its debts.

§ 17. This act shall take effect and be in force from and after its passage.

Approved February 18, 1884.

CHAPTER 180.

AN ACT to regulate the pay of justices of the peace for holding courts in Anderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fees of justices of the peace in and for Anderson county shall hereafter be three dollars per day for holding court of claims or transacting any other business when they are required to assemble as a court by law for county purposes; and all acts in conflict with this act are hereby repealed as to said county.

§ 2. This act shall take effect and be in force from its passage.

Approved February 18, 1884.

CHAPTER 181.

AN ACT fixing the fees of justices of the peace in and for Trigg county for holding levy courts, and so forth, for said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fees of justices of the peace in and for Trigg county shall hereafter be three dollars per day for holding court of claims or transacting any other business when they are required to assemble as a court by law for

county purposes; and all acts in conflict with this act are repealed as to said county.

§ 2. This act shall take effect and be in force from its passage.

Approved February 18, 1884.

CHAPTER 182.

AN ACT for the benefit of Jno. R. Wylie, trustee of jury fund of Caldwell county.

WHEREAS, Jno. R. Wylie, as trustee of the jury fund for Caldwell county, of funds received by him in spring and summer of one thousand eight hundred and eighty-three, had on deposit in banking-house of L. M. Longshaw, of Princeton, Kentucky, at time of its failure and assignment, on eighteenth of September, one thousand eight hundred and eighty-three, the sum of four hundred and ninety-five dollars, and the entire assets of said bank, and of said Longshaw will pay less than thirty cents on each dollar of debts; and whereas, said Wylie, at close of May term, one thousand eight hundred and eighty-three, of Caldwell circuit court, asked the advice of the judge of said court as to whether he should remit to the Auditor the balance then in his hands, viz: four hundred and sixty-one dollars and thirty-five cents, and said judge advised him to retain it, as it might be needed at the November term; that it was his duty as trustee to remit such balance as might remain in his hands on first day of January of each year; and said Wylie did retain said sum as advised, and deposited it, and thirty-three dollars and sixty-five cents received in July and August of said year, in said bank to the credit of himself as trustee of the jury fund of said county, same being the only bank or place of deposit in said county, and was then regarded as safe, and was generally used by the people of said county as a place of deposit; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said Jno. R. Wylie and his sureties be, and they are hereby, relieved from liability for seventy per cent.

of said amount so deposited; but they shall remain liable to the extent that said assets shall pay on said deposit, though it exceed thirty per cent.

§ 2. This act shall take effect and be in force from its passage.

Approved February 18, 1884

CHAPTER 183.

AN ACT in relation to the collection of tolls on the Flat Rock and Caldwell's Mill, and the Carlisle and Rodger's Mill Turnpike Road Companies, in Bourbon county.

WHEREAS, The Carlisle and Rodger's Mill Turnpike Road and the Flat Rock and Caldwell's Mill Turnpike Road intersect the one with the other, and there is but one toll-gate on the line of each road, and that near the terminus of the roads; and whereas, a large number of the travelers on the said roads pass through the gate on one of said roads and on the extension of the other road without passing through any gate or paying any toll for the distance traveled on the extension of the said other road; and whereas, the greater portion of the capital stock of both of said roads belongs to the same persons, and the said roads are operated and controlled to a large extent under the same management; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Carlisle and Rodger's Mill Turnpike Road Company be, and it is hereby, authorized and empowered to charge and collect from persons passing through its toll-gate on the line of its road, and on to the line of the Flat Rock and Caldwell's Mill Turnpike Road, but not passing through the gate on the last named road, the rates of toll now authorized by law for the distance traveled on both roads.

§ 2. That the Flat Rock and Caldwell's Mill Road shall have the same right and power to charge and collect toll from all persons passing through the gate on its road on to the line of the Carlisle and Rodger's Mill Road, without passing through the gate on the said last named road, the rates of

toll now authorized by law for the distance traveled on both roads.

§ 3. The provisions of this act shall not be operative until accepted by the board of directors of both of the aforesaid turnpike companies, and a minute thereof made in the book of proceedings of the said boards of directors.

§ 4. This act shall take effect from and after its passage.

Approved February 18, 1884.

CHAPTER 184.

AN ACT entitled an act to incorporate the Kentucky Telephone and Telegraph Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That D. McMullen, I. P. Bamard, W. A. Jones, and their successors, associates, and assigns, are hereby created a body-corporate forever, by the name of the Kentucky Telephone and Telegraph Company; with power to sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; contract and be contracted with, purchase, hold, or sell all such property, real or personal, as may be necessary or convenient to enable it to carry on the business of operating telephone and telegraph lines, systems, and exchanges in the Commonwealth of Kentucky, and generally to do and perform all such acts as an individual might do and perform in the premises; and to hold and to exercise such powers as are incident to corporations. And the corporators named in this section shall act as directors until their successors are elected and qualified; and in the event of the failure of any of said corporators to act, their vacancies shall be filled by election or appointment by those acting.

§ 2. The capital stock of said company shall be one thousand shares, with the right to increase the same to ten thousand shares, and said shares shall be one hundred dollars each, which shall be personal property, and evidenced by the certificate of the company under its seal, and transferred

as may be prescribed by the by-laws of the company; and said shares of stock shall be paid in such manner and upon such conditions as the board of directors may prescribe.

§ 3. And it shall be lawful for said corporation to conduct and transact the business of building, hiring, leasing, purchasing, equipping, maintaining, and operating telephone and telegraph lines, exchanges, and systems, overhead or underground, or any part thereof, in such manner as may be determined; and all the operations and business incident and pertaining thereto. And said corporation shall have the power and authority to acquire, by purchase or otherwise, from any individuals, partnership, association, or corporations created by or under the laws of this Commonwealth, on such terms as may be agreed on, any telephone or telegraph lines, exchanges, and systems, together with all of their properties, rights of way, easements, servitudes, contracts, licenses, patents, or interests therein, rights, privileges, and franchises, and when so acquired to maintain, equip, and operate any and all such lines, and also to extend any and all of its lines, under the powers, privileges, and franchises acquired by purchase or as herein granted; and said corporation may extend its lines from points within to points outside of the State of Kentucky, and may acquire, maintain, and operate lines, systems, and exchanges at such points outside the State as the business or interests of the said corporation may require; and said corporation may connect its lines with those of any other company on such terms as may be agreed on.

§ 4. The principal office of said company may be established at the city of Newport, or at any other point within this State that the board of directors may designate, and the management and administration of the affairs of the company shall be by a board of directors of not less than three nor more than nine, to be elected by the stockholders once in every year as may be prescribed in the by-laws, and to hold their offices until their successors are elected and qualified; and the directors may elect from their board a president, vice president, secretary and treasurer, and may appoint such other officers and agents as they deem neces-

sary, prescribe their duties and compensation, and require of them bond, with sureties therein, for the faithful performance of their duties, and remove them and appoint others at pleasure; may fill vacancies that may occur in the board of directors by appointment for their unexpired terms, and may make by-laws for the government of the company, and may alter, amend, or abolish the same at pleasure, and may prescribe how the shares of stock may be transferred and voted at meetings of stockholders, and may exercise the powers herein conferred upon the corporation, and shall have power if it be desirable to promote the interests of the corporation, to issue bonds in the name of the company, not in excess of one-fourth of the capital stock in existence at the time of issue of said bonds, with semi-annual interest coupons thereto attached, not to exceed six per centum per annum, payable at such times and places as may be named in the body thereof; and to secure the payment of such bonds and coupons may execute one or more mortgages to one or more trustees, for the common benefit of the holders of its bonds, upon all of its properties, contracts, rights of way, easements, servitudes, and use thereof, rights, privileges, licenses, and franchises, upon such terms, conditions, and stipulations as may be covenanted therein; and the properties, rights, privileges, and franchises above enumerated shall be and remain a lien thereon for the satisfaction of said bonds and coupons as the same fall due and the payment thereof at maturity: *Provided, however,* That the issue of any coupon bonds secured by mortgage or mortgages herein above authorized shall be approved and ratified by the stockholders of said corporation at a meeting called for that purpose.

§ 5. This act to take effect and be in force from its passage.

Approved February 18, 1884.

CHAPTER 185.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors, or mixture of either, within two miles of any house used by a congregation or denomination in which people assemble to worship God, or any school-house, or an institution of learning, in Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful to sell, directly or indirectly, any spirituous, vinous, or malt liquors, or mixture of either, at any time, within two (2) miles of any house used by any congregation or denomination in which people assemble to worship God, or any school-house, or any institution of learning in the county of Cumberland, excepted upon the written prescription of a regular practicing physician, given to or for a patient under his treatment, stating the quantity, not to exceed two ounces: *Provided*, Manufacturers may sell by the wholesale.

§ 2. That if any person shall violate the provisions of the first section of this act shall, upon conviction, be fined fifty dollars for each offense, to be recovered upon indictment, or upon the warrant of the county judge or a justice of the peace.

§ 3. That if any physician shall give a false or fraudulent prescription, or prescribe for a person not under his treatment, shall, upon conviction, be fined fifty dollars for each offense, to be recovered in like manner as prescribed in the second section of this act.

§ 4. That this act take effect from and after its passage.

Approved February 18, 1884.

CHAPTER 186.

AN ACT to amend an act, entitled "An act authorizing and empowering the Trigg county court to issue, sell, and dispose of the bonds of Trigg county, and provide for the payment of said bonds and interest thereon," approved February eleven, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of enabling the Trigg county court to complete the work of remodeling the court-house

in Cadiz, and furnishing the same when completed, an act, entitled "An act authorizing and empowering the Trigg county court to issue, sell, and dispose of the bonds of Trigg county, and provide for the payment of said bonds and interest thereon," approved February eleven, one thousand eight hundred and eighty-two, be, and the same is hereby, amended as follows: That in addition to the amount of bonds of said county authorized to be issued under the first section of said act, the county court of Trigg county, a majority of the justices of the peace of said county being present and concurring therein, may cause to be issued the bonds of said county, not exceeding in the aggregate the additional sum of two thousand five hundred dollars, in the same denominations, prepared and executed in the same way, payable to bearer at such place as the court may direct, and at not less than two nor more than twelve years from date, and not to bear a greater rate of interest than six per cent. per annum, payable annually from date until paid, and redeemable at any time after two years from date, with interest coupons attached, as provided for in section one of said act; and a list of said bonds shall be kept and preserved by the county court clerk in his office as required by said section one of said act.

§ 2. That the said county court shall have full power and authority to sell and dispose of and deliver to the purchaser the bonds herein provided for and for the payment of same, and interest upon the same terms and conditions, and in the same way and manner, and the money arising from sale of said bonds disposed of as provided for and directed in and by sections two, three, four, and five of said act to which this is an amendment: *Provided*, None of said bonds shall be sold for less than par or face value thereof.

§ 3. That for the purpose of raising the money to pay off the said bonds authorized to be issued by this act and interest thereon, the county court of said county, a majority of the justices of the peace of said county being present and concurring therein, may levy an ad valorem tax of not exceeding ten cents on the one hundred dollars' worth of taxable property in said county.

§ 4. That the tax herein provided for shall be collected by the sheriff of said county at the same time and for same compensation, and said sheriff shall, before proceeding to collect the said tax, execute bond, with good and approved security, as provided for, and under same responsibilities for the faithful performance of his duties as provided and set out in section seven of said act of February eleven, one thousand eight hundred and eighty-two.

§ 5. The tax herein provided for shall be levied at any time after the passage of this act, and for that purpose the presiding judge of said county may, at any time, call the justices of the peace of said county together.

§ 6 This act may continue in force for eight years, and shall take effect from its passage.

Approved February 18, 1884.

CHAPTER 187.

AN ACT supplemental to chapter three hundred and thirty-three of the acts of the General Assembly of the Commonwealth of Kentucky, entitled "An act to incorporate the Lexington Hydraulic and Manufacturing Company," approved February twenty-seven, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the said "The Lexington Hydraulic and Manufacturing Company," shall have the power to supply the said city of Lexington and the inhabitants thereof with pure and wholesome water, in the manner contemplated in said chapter three hundred and thirty-three above specified, and for that purpose shall also have power, in the manner in said act specified, to take, hold, enjoy, and make use of all needful and necessary land for reservoirs, conduits, buildings, and pumping machinery.

§ 2. The said company shall have the right and power to obtain and take such water from wells, and any source not named in said chapter three hundred and thirty-three, that may be most available, by consent of the owner thereof, or on land acquired in the manner authorized by section four of the act to which this is supplemental.

§ 3. The said company shall have power to increase the capital stock to a sum not exceeding three hundred thousand dollars, whenever it shall be necessary to carry into effect the general purposes and intent of said chapter three hundred and thirty-three and of this act; but no such increase shall be made without the consent of the owners of the majority of stock of said company then issued.

§ 4. The said company may commence said work within six months from and after the passage of this act, and shall complete the same within two years from and after such passage.

Approved February 22, 1884.

CHAPTER 188.

AN ACT to incorporate the board of church extension of the Methodist Episcopal Church, South.

WHEREAS, At a general conference of the Methodist Episcopal Church, South, held in the city of Nashville, in the State of Tennessee, on the twenty-second day of May, one thousand eight hundred and eighty-two, it was resolved to organize a board of church extension; and whereas, a constitution was then adopted, and the officers and members of said board were selected by said general conference and requested to procure an act of incorporation for said board, under the laws of the State of Kentucky, whereby they and their successors in office, in perpetual succession, shall be made a body-corporate, under the name of the Board of Church Extension of the Methodist Episcopal Church, South; and whereas, since the organization of this board vacancies have occurred by the death of Robert Paine, one of the bishops of the Methodist Episcopal Church, South, and by the resignation of C. B. Seymour and J. C. Woodward, which last two vacancies have been filled by the election of Chas. S. Grubbs and John L. Wheat; and the board, as it is now constituted, consists of the persons named in the first section of this act; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Geo. F. Pierce, H. H. Kavanaugh, H. N. McTyeire, John C. Keaner, A. W. Wilson, Linus Parker, J. C.

Granberry, and Robert K. Hargrove, the Bishops of the Methodist Episcopal Church, South, and those who may hereafter hold the same office, and James S. Lithgow, Presley Meguiar, David Morton, Jas. G. Carter, Chas. S. Grubbs, John L. Wheat, H. C. Settle, of the city of Louisville, Jno. W. Proctor, of Danville, Kentucky, Jas. C. Morris, of Denver, Colorado, F. B. Carrall, of Parkersburg, West Virginia, G. D. Shands, of Senatobia, Mississippi, C. J. Vandeventer, of St. Joseph, Missouri, W. T. Harris, of Brownsville, Tennessee, C. E. Brown, of Waxahachie, Texas, W. F. Compton, of Ukiah, California, Joseph Emerry, of Cowallis, Oregon, and Jas. H. Carlisle, of Spartansburg, South Carolina, and their successors, be, and they are hereby, created a body-politic and corporate, by the name, style, and title of the Board of Church Extension of the Methodist Episcopal Church, South; and by that name shall have perpetual succession, and may sue and be sued, plead and be impleaded, in any court of law or equity and elsewhere, and shall be able and capable in law or equity to take and hold, to them and their successors, either by gift, devise, grant, bargain, sale, release or otherwise, any lands or real estate whatsoever; and also to take and hold for the use of said society any goods and chattels, sum or sums of money, choses in action, and other personal property, whether by gift, grant, bargain, sale, will, devise, bequest, or otherwise, from any person or source whatever capable of making the same; and the said real and personal estate to grant, alien, and dispose of at their pleasure, and generally to do all matters and things which shall be lawful for them to do for the well being and proper management of the affairs of said corporation.

§ 2. That it shall be lawful for said corporation to have and use a common seal, and at pleasure to change, alter, or renew the same; and the said corporation shall have and exercise all the rights, privileges, and immunities necessary for the purposes as herein expressed.

§ 3. This corporation is organized and incorporated for the purpose of assisting the Methodist Episcopal Church, South, to extend and establish the institutions of Chris-

tianity throughout the United States and Territories, and elsewhere, as the board may determine, by aiding, wherever necessary, to secure suitable houses of religious worship, and such other property as may promote the general design.

§ 4. The officers of this corporation shall be a president, vice president, corresponding secretary, treasurer, and such other officers as the constitution of the board may require, all of whom shall be chosen in the manner prescribed in the constitution of said board, and shall perform the duties imposed by virtue of or under authority thereof.

§ 5. The management and disposition of the affairs and property of this corporation shall be vested in said officers, and thirteen managers, together with the bishops of the Methodist Episcopal Church, South, which officers and managers shall be elected in the manner prescribed in the constitution of said board; and said corporation shall have authority to make by-laws for the regulation of its own proceedings, to fill vacancies that may occur in its own body during the interim of the regular elections, and to do all other things necessary to the purposes of the organization, not inconsistent with the Constitution and laws of the State of Kentucky or of the United States, or the constitution of the board.

§ 6. That the constitution of said board be, and it is hereby, made binding in law upon said board, and upon the officers and managers thereof, and the said constitution may be altered or amended by the General Conference of the Methodist Episcopal Church, South, in all cases when such proposed amendment or alteration may not conflict or be inconsistent with this act, or the Constitution and laws of Kentucky or of the United States.

§ 7. That the property and investments of said corporation shall be exempt from taxation of all kinds.

§ 8. This act shall be in force from and after its passage.

Approved February 20, 1884.

CHAPTER 189.

AN ACT to incorporate the Orangeburg and North Fork Turnpike Road Company, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated, under the name of the Orangeburg and North Fork Turnpike Road Company; and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, and is hereby vested with all the rights and powers conferred by law on such corporations in this Commonwealth.

§ 2. That said company shall have power to construct and operate a turnpike road in Mason county, from Orangeburg to intersect the Wolf Run and Farrar's Mill Turnpike, to-wit: after leaving Orangeburg to run so as to intersect the old dirt road near the house of Dr. Barnes on the hill, and to continue on or near said road to Collis' gate, passing near the house of Lewis M. Collis, and on through the Collis farm to some convenient point on or near the North Fork of Licking river, near Phillips' old mill; thence up the said North Fork, on the most available side, to or near the mouth of Mill Site branch, and thence on the most practicable route to the most convenient point on the said Wolf Run and Farrar's Mill Turnpike, the whole to be surveyed and located as may be most practicable to suit this general route.

§ 3. That the subscriptions already made, and right of way and rock given, in contemplation of getting this charter and constructing and operating said turnpike road, by John H. Browning, Lewis M. Collis, James S. Dickson, John I. Dickson, Thomas Dickson, D. H. Davenport, W. D. Phillips, J. S. Barnes, Joseph R. Davis, James M. Willett, Dave Dickson, Inez Collis, J. James Wood, and Myall and Riley, shall make them stockholders herein, according to the amount of their cash subscription, at the rate of twenty-five dollars per share; and a majority of shares of said subscribers or stockholders shall have power to organize this company by the election of a president and three directors, after giving ten days' notice in writing, stuck up in three public places—one in Orangeburg and two on the route of said

road—of the time and place of the meeting for that purpose, each subscriber or stockholder to have a vote for each share of twenty-five dollars in the amount subscribed.

§ 4. The capital stock of said corporation shall be a sum sufficient to construct said road, and a bridge on it across the North Fork, divided into shares of twenty-five dollars each, to be paid in installments, as the necessity of the road may require, on call of the board of directors.

§ 5. That the grade and width of said road shall be determined by the board of directors, and it shall be lawful to construct it on the old county road as far as suitable.

§ 6. That the officers of said corporation shall be a president and three directors, to be styled the board of directors, and elected by the subscribers or stockholders, who shall hold their respective offices for one year, and until their successors are elected and qualified—a majority of whom shall be a quorum to transact the business of the company. The board of directors shall fix the time and place of the annual election hereafter, and give due notice thereof in the same manner as required for the organization of this company. The board of directors may appoint a secretary and treasurer, and such other officers or agents as may be necessary, and require bond and security from them or either of them. The president or any director may hold any of these minor offices if thought best. The president, directors, secretary, and treasurer must each be stockholders in the company.

§ 7. That the board of directors shall have power to pass all necessary by-laws, rules and regulations, in conformity to law, to govern the transactions of the company; shall have power to let out the construction of the road upon such terms as they may deem best; may take stock in work and materials; may take other subscription of stock, if necessary, to construct said road, and may receive additional subscriptions of stock from the Mason county court and from others, to build the bridge across the North Fork. The stockholders may work out their county road tax on said road, and the receipt of the company shall be good therefor. In case of the death or removal of the president or a director, the vacancy can be filled by the board until the next annual election.

§ 8. That as soon as one mile of said turnpike is completed, toll may be charged and collected for the distance traveled, at the rates prescribed by the General Statutes.

§ 9. That this act shall take effect from its passage.

Approved February 20, 1884.

CHAPTER 190.

AN ACT to amend an act, entitled "An act to amend the charter of the town of Crittenden, in Grant county," approved March ninth, one thousand eight hundred and sixty-eight.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the amended charter of the town of Crittenden, in Grant county, approved March ninth, one thousand eight hundred and sixty-eighty, be, and the same is hereby, amended so that the police judge shall be elected annually on the first Monday in April in each year, and at the same time, and in the same way, that the chairman and board of trustees are elected; and if from death, resignation, or otherwise a vacancy should occur in the office of police judge in said town, the board of trustees of said town shall issue a writ of election to fill the vacancy in said office until the next regular election, and until his successor is elected and duly qualified.

§ 2. That ten days' previous notice, in writing, posted in three of most public places in said town, shall be given of said election to fill said vacancy.

§ 3. That the election and return to fill a vacancy in the office of police judge in said town shall be conducted in the same way, and under the same law, that the police judge is elected at the regular election for said office.

§ 4. That the police judge shall, before entering upon the discharge of the duty of said office, execute bond for the faithful performance of the said office.

§ 5. Whenever, from any cause, the judge of said police court fails to attend the court, or, if in attendance, cannot properly preside in the case or cases pending in said court, the presiding judge of the Grant county court, or any justice

of the peace in Grant county, shall preside in his place; and the person so presiding, during the period he acts, shall have all the powers, and be liable to the same responsibilities, of the police judge of said town.

§ 6. That the police judge of said town shall have power to send persons sentenced to jail in said police court to the Grant county jail at Williamstown.

§ 7. That the marshal of said town shall have the power to execute any summons, notice, or other process, either civil or criminal, within the limits of Grant county, that constables are now by law authorized to execute, and he shall be allowed the same fees that constables are allowed for like service.

§ 8. It shall be the duty of the marshal of said town, when any person or persons shall have been ordered to jail by the police judge for any infraction of the by-laws of said town or other offense against the law, to take charge of such person in obedience to said order and convey said person to the Grant county jail, and deliver said person up to the jailer of said county.

§ 9. That the marshal of said town shall be allowed a reasonable sum for such services, to be allowed by the police judge of said town, and to be paid out of the town treasury on the order of said police judge.

§ 10. That the constable or sheriff shall have power to execute the said order mentioned in section eight of this amendment, and be paid for said services in the same way that the marshal is paid for same services.

§ 11. That section third of the act approved March ninth, one thousand eight hundred and sixty-eight, and referred to in the first section of this amendment, be, and the same is hereby, amended by striking out the following words and sentence: "and all qualified voters of this Commonwealth owning real estate within the limits of said town."

§ 12. This act shall take effect from its passage.

Approved February 20, 1884.

CHAPTER 191.

AN ACT to incorporate the Knights of Honor Temple Company, at Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chas. D. Jacob, W. B. Hoke, W. B. Fleming, Geo. H. Moore, D. K. Mason, S. M. Benard, R. Gilchrist, J. W. Hickman, F. Fensterer, S. Kaufman, G. W. McCready, Jno. W. Day, Jno. E. Carpenter, Wm. B. Rogers, John Colgan and Robert C. Kinthead, who are the directors of the incorporated company hereinafter referred to, be, and they are hereby, created a body-politic under the name and style of the Knights of Honor Temple Company, of Louisville, whose principal place of transacting business shall be Louisville, Kentucky; with power in the said corporation to acquire, by purchase or otherwise, real estate in the city of Louisville, State of Kentucky; and to hold, improve, sell, lease, and rent the same for the purpose of affording suitable offices for the supreme officers of the order of the Knights of Honor, and the grand officers of the Grand Lodge of Kentucky Knights of Honor, safety vaults for the archives of said order, and suitable halls, lodge-rooms, library, reading-rooms, and so forth, for this and other orders, and other charitable and benevolent uses and purposes.

§ 2. The amount of the capital stock of this corporation shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of ten dollars each; and subscriptions shall be made thereto in the manner and upon the conditions that the board of directors may determine, and shall be paid in such manner and at such times as the board of directors may determine.

§ 3. The affairs of this corporation shall be conducted by a president, two vice presidents, a board of sixteen directors, a secretary, a treasurer, and such other officers, agents, and employes as the board of directors may determine from time to time; the president, vice presidents, secretary, and treasurer shall be members of the board of directors.

§ 4. The board of directors may pass by-laws for its government, and prescribe the duties of its officers, agents, or

employees, and may prescribe the manner in which said by-laws may be amended or repealed; and said board of directors shall be increased or decreased when the stockholders shall so desire; but it shall require a vote of two-thirds of the paid-up stock in the affirmative before such proposed change shall be made.

§ 5. The incorporators herein named shall constitute the board of directors until their successors shall be elected and accept such office, and such successors shall be elected on the first Wednesday in April, one thousand eight hundred and eighty-four, and upon the same day each year thereafter; and after notice of the time and place at which such election is to take place shall have been given by an advertisement to be inserted once in a daily newspaper to be published in Louisville, Kentucky, and a similar notice shall be necessary to call together any other meeting of the stockholders; and said board of directors shall have power to fill any vacancies or vacancy occurring in the board.

§ 6. The company organized under chapter fifty-six, title "Incorporated Companies," of the General Statutes, called the Knights of Honor Temple Company, at Louisville, Kentucky, may, by a vote of the majority of its stock, accept this charter. When that is done, the capital stock of that company shall become capital stock in this company, and the assets and liabilities of that company shall become the assets and liabilities of this company, and certificates of stock in that company shall be surrendered and new ones issued, and this company shall supersede and stand in place of that one in every particular, except that its corporate existence, rights, powers, and privileges shall be derived from this charter, instead of from chapter fifty-six of the General Statutes; and all the powers of the former company shall cease to exist. All leases, contracts, agreements, and all subscriptions to the stock of said incorporated company, and all bonds and obligations, of any kind whatever, entered into and now existing between said company and any person or persons, shall remain as binding on all parties thereto the same as if they had originally been entered into with this company.

§ 7. All conveyances of property to said incorporated company are hereby legalized; and all property conveyed to said incorporated company shall, upon the acceptance of this charter as aforesaid, become the property of the company hereby created, subject to all liens that may legally exist upon same.

§ 8. The property that is owned or that may hereafter be acquired by this company, so long as used for present charitable purposes, shall be exempt from all taxation, in like manner and to the same extent as the property now belonging to incorporated lodges of Masons, Odd Fellows, and Knights of Pythias is now exempted by the provisions of section three, article one, chapter ninety-two, of the General Statutes.

§ 9. The private property of the corporators and stockholders of this company shall be exempt from all liability for the debts and liabilities of this company.

§ 10. This act shall take effect from and after its passage.

Approved February 20, 1884.

CHAPTER 192.

AN ACT to settle the county line between Hopkins and Webster counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county line between Hopkins and Webster counties be so changed as to include the town of Slaughterville, with its present incorporate boundary, in the county of Webster.

§ 2. This act to take effect from and after its passage.

Approved February 20, 1884.

CHAPTER 193.

AN ACT to exempt and release dentists from license in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall hereafter be unlawful for the city of Louisville to charge or collect any license from dentists in said city.

§ 2. This act shall take effect from and after its passage.

Approved February 20, 1884.

CHAPTER 194.

AN ACT to amend an act, entitled "An act to incorporate the Cave Hill Investment Company," approved February eleven, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of directors of said company shall fix the penalty of the treasurer's bond, and may require a new bond of its treasurer as often as necessary, and fix the penalty thereof; provided the penalty of the treasurer's bond shall not exceed thirty thousand dollars.

§ 2. That so much of the original act as fixed the penalty of the treasurer's bond is repealed, and this act shall take effect from its passage.

Approved February 20, 1884.

CHAPTER 195.

AN ACT to prevent the netting of partridges in Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to take or catch partridges with a net in Laurel county.

§ 2. Any person violating the foregoing section shall be fined for each and every offense—and the netting of each partridge shall constitute a separate offense—not less than

ten nor more than twenty-five dollars, recoverable by warrant before a magistrate or by indictment.

§ 3. This act to take effect from its passage.

Approved February 20, 1884.

CHAPTER 196.

AN ACT to amend an act, approved March third, one thousand eight hundred and sixty-eight, entitled "An act to incorporate the Lancaster and Sugar Creek Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Lancaster and Sugar Creek Turnpike Road Company," approved March third, one thousand eight hundred and sixty-eight, be, and is hereby, amended. Section (3) three is so amended as to read: "The books for subscription of stock shall be opened by Peter Grow, J. G. Sweeney, John A. Stone, George Naylor, and John Henderson," and all the remainder of said section is to remain as it now stands. And section (4) four of said act is hereby so amended as to read: "As soon as fifteen hundred dollars is subscribed, the commissioners may give notice and proceed to organize by the election of a president and four directors; the road to be made under the provisions of this charter shall commence at the point on the Poor Ridge road, where the county road number ninety-five intersects said road on the southeast side, and running down to and up the old Sugar Creek Meeting-house prong of Sugar creek, and intersecting the Lancaster and Nicholasville Turnpike Road at such point as the president and directors may designate." And section (8) eight be so amended as to read: "The Garrard county court is authorized to subscribe not exceeding the sum of one thousand dollars to the mile of said road." All parts of said act inconsistent with this act, and all other acts, are hereby repealed, and the remainder of said act not hereby repealed remains in full force and effect.

§ 2. This act to take effect from its passage.

Approved February 20, 1884.

CHAPTER 197.

AN ACT to incorporate the Valley Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company be, and is hereby, incorporated, under the name of the Valley Turnpike Road Company; and by said name and style shall have perpetual succession, and may sue and be sued, plead and be impleaded, and as such is hereby vested with all the powers enjoyed by similar corporations in this Commonwealth.

§ 2. The following persons are appointed commissioners to receive subscriptions of stock to said company, viz: Richard Kirk, Chas. McAtee, Newton Kirk, Alfred B. McAtee, Robt. Terhume, and Erasmus Kirk.

§ 3. The capital stock of said road shall not exceed ten thousand dollars, and shall be divided into shares of fifty dollars each.

§ 4. Said company is authorized to make a macadamized, gravel, or other artificial road in the county of Mason, commencing at or near the bridge at Wolf's mill-dam, on the Minerva and Beaseley Creek Turnpike, and running thence through the lands of Robt. Terhume, Newton Kirk, Richard Kirk, and Ben. McAtee, deceased, and connecting with the Maysville and Germantown Turnpike at or near the gate of Chas. McAtee, and opposite the farm of Wm. P. Smoot. The exact route to be chosen by the commissioners or the president and directors of the road.

§ 5. The president and directors shall be elected annually by the stockholders. The election shall be held the first Saturday in April, and the officers shall consist of five directors, and they shall elect a president from their number, and shall also select a treasurer, secretary, and superintendent, and other officers, and shall regulate the duties of such persons, and remove them at pleasure. The directors to remain in office until their successors are elected and qualified; one vote to each share.

§ 6. The commissioners shall open books for the subscription of stock at any place they may desire; and, as soon as two thousand dollars is subscribed, they shall give

five days' notice for a meeting of the stockholders for the purpose of electing the officers of the association, the commissioners to select the place of meeting, and also to prescribe the form of subscription ; and all persons subscribing stock shall be bound to pay same, and same shall be collected as other debts.

§ 7. The road shall conform to the plans and specifications required by the order of the court of claims of Mason county, and said county may take stock in same not to exceed fifteen hundred dollars per mile ; and when the road is completed the officers may erect gates upon same, but shall only charge for distance traveled as now prescribed in the General Statutes.

§ 8. Said company shall have all the rights granted to other turnpike companies by virtue of the provisions of chapter one hundred and ten of the General Statutes, and all the amendments thereto.

§ 9. This act shall take effect and be in force from its passage.

Approved February 20, 1884.

CHAPTER 198.

AN ACT to authorize the consolidation of the Simpsonville and Buck Creek Turnpike Company and the Simpsonville and Fisherville Turnpike Company, and to incorporate the Simpsonville, Buck Creek, and Fisherville Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Simpsonville and Buck Creek Turnpike Company and the Simpsonville and Fisherville Turnpike Company be, and they are hereby, authorized to consolidate the capital stock of said two companies into one and the same company, to be known as the Simpsonville, Buck Creek, and Fisherville Turnpike Company, which is hereby incorporated, and by that name said company may sue and be sued, and it is hereby vested with all the powers now and heretofore possessed by both of said companies. Said consolidation shall be made upon such terms as may be

agreed on between the board of directors of said two companies; but no such agreement shall be obligatory on either of said companies until the same shall be ratified by a majority of the stock of both of said companies. Any meeting of the stockholders of said companies called for the purpose of ratifying an agreement of consolidation, shall be held at the present toll-gate of the Simpsonville and Buck Creek Turnpike Company, and written notice of said meeting shall be posted up at said toll-gate for thirty days next before the day of said meeting.

§ 2. Nothing herein contained shall be construed to authorize the collection of any greater rate of tolls than is now provided by law : the true intent of this act being to authorize the consolidation of said two companies into one; and said company provided for herein shall elect the same number of directors and have the same number of officers now provided by law for the Simpsonville and Buck Creek Turnpike Company.

§ 3. This act shall take effect from its passage.

Approved February 20, 1884.

CHAPTER 199.

AN ACT to amend the charter of the Kiddville and Mt. Sterling Turnpike Road Company.

WHEREAS, It appearing that the whole of the Kiddville and Montgomery County Turnpike Road, and its rights, franchises, and privileges, together with the whole of the capital stock thereof, are now owned and held in fee by Rufus Hadden and Thomas J. Rabourn, two citizens of Montgomery county, in which county the greater part of said road is situated; and whereas, they are now the only and sole stockholders and owners of the capital stock of and in said road; and it is therefore impracticable and impossible to comply with the provisions of the original charter of said road company by electing five directors and a president from among the stockholders, as is therein provided; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of said turnpike road company be, and the same is hereby, amended as follows.

§ 2. That so long as said road, together with its rights, franchises, and privileges, is owned by said Rufus Hadden and Thomas J. Rabourn, they are now from this time henceforward hereby created a body-politic, corporation, and made and constituted a legal board of directors of said Turnpike Road Company; and they are hereby invested with, and there is conferred upon them, as said directors, all the powers and legal rights for the management and control of said road, its rights, franchises, and privileges, that by the original charter of said Turnpike Road Company was conferred on the president and directors thereof when elected and qualified as therein prescribed; and said Hadden and Rabourn, as said board of directors, are to be governed in the management and control of said road, its rights, franchises, and privileges, by the provisions of the original charter thereof and the amendments thereto; and they may sue and be sued in the name of the Kiddville and Montgomery County Turnpike Road Company, and as such plead and interplead in any of the courts of this Commonwealth.

§ 3. That as long as said road, its rights, franchises, and privileges, and the capital stock thereof, are owned by a less number than six different persons, whomsoever they may be, they are hereby constituted a board of directors for said road, and the provisions of the preceding section two shall apply to them, and they shall be governed and controlled by its provisions.

§ 4. That this act and amendments to said charter shall take effect and be in force from and after its passage.

Approved February 20, 1884.

CHAPTER 200.

AN ACT to authorize the Pike county court to issue bonds to raise money to build a court-house, jail, clerks' offices, and other public buildings in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of enabling the county court of Pike county to erect a new court-house, clerks' offices, with fire-proof vaults in same, jail-house, and such other public buildings as they may deem necessary, it shall be lawful for said court, a majority of the justices of the peace for said county being present and constituting part of said court, to impose an additional tax upon the assessed value of all the property in said county liable to revenue tax, not to exceed the rate of fifty cents on each one hundred dollars' worth of property annually, for such number of years, beginning in the year one thousand eight hundred and eighty-four, as the court may deem proper for the purposes aforesaid.

§ 2. That the taxes aforesaid, when so levied by the said county court, shall be collected by the sheriff of Pike county in the same manner that the county levy and revenue taxes of said county are now collected by said officer, and the same liens shall exist for this purpose as now exist for the county levy and revenue tax; and said sheriff, before proceeding to collect said taxes, shall execute bond, with good and sufficient surety, to be approved by the said Pike county court, for the faithful discharge of his duties under this act; and the sheriff and his sureties shall be liable for the collection and payment of the same, to the same extent that they are now by law liable for the collection and payment of the county and revenue taxes; and those having right to demand or receive the same from said sheriff shall have the same rights and remedies against said sheriff and his sureties for said moneys, or any part thereof, that county creditors now by law have against them.

§ 3. The funds arising from the taxes hereby authorized shall be denominated the court-house fund; shall be kept separate from the other funds of the county in the orders and accounts of said county, and shall be applied to the

erection and repairs of such public buildings as the county court have or may hereafter cause to be erected or done, and for no other purpose.

§ 4. It shall be lawful for the county judge of said county to issue any amount of Pike county bonds, not to exceed twenty-five thousand dollars, and of any denomination of not less than fifty nor more than one thousand dollars; said bonds to be made payable to bearer, bearing any rate of interest not exceeding six per cent. per annum, payable annually, with interest coupons attached; said bonds to be made redeemable at the pleasure of the county after one year, and not exceeding twenty years from the date of their issual, and to express on their face that they are redeemable out of the court-house fund, and at Pikeville, Kentucky; said bonds and coupons to be signed by the judge of the Pike county court, and countersigned by the clerk of the said county court under the seal of his office: *Provided*, That no fee for said seal shall go to the Commonwealth; said bonds are hereby made transferable by indorsement thereon as negotiable notes are.

§ 5. It shall be lawful for the county judge of said Pike county, or any person appointed by him for said purpose, by an order spread on the order-book of said county, to dispose of the bonds aforesaid at not less than their par value, and to apply the proceeds as herein specified, and not otherwise.

§ 6. It shall be lawful for the county judge aforesaid to receive the taxes herein provided for from the sheriff of said county, and his receipt for same shall be a lawful voucher for the sheriff in the settlement of his accounts; and it is hereby made the duty of the county judge to use said funds for the redemption of the bonds and the interest due thereon; and the bonds, and interests coupons attached, only, shall be a lawful voucher to said judge in the settlement of his account.

§ 7. It shall be lawful for the county judge aforesaid to summon the justices of the peace of said county, or a majority of them, to meet at the county seat of said county, at any time when necessary, to aid him in levying the taxes as

herein provided for, and for transacting any other business herein specified in which they form a part of the court; and it is hereby made the duty of the county court, and they shall, from time to time, levy such an amount of additional taxes as are herein provided for, not exceeding the amounts herein specified, as shall be sufficient to liquidate and pay off said Pike county's debts, created by the issuing of the bonds aforesaid, in the time they are made to run.

§ 8. It shall be the duty of the county judge, before he enters on the duties and trusts herein confided to him, to execute to the Commonwealth a bond, with good and sufficient security, conditioned that he shall faithfully discharge all the duties required of him by this act, upon which bond any person aggrieved may sue in the name of the Commonwealth in any court having jurisdiction. Said bond shall be executed and approved by the clerk of the Pike county court, and filed and safely kept by him in his office.

§ 9. It is hereby made the duty of the county judge aforesaid to issue and dispose of, or cause the same to be done, any amount of the bonds aforesaid, on the order of the building commissioners of said court.

§ 10. The county court clerk shall keep a correct record of the proceedings had under this act, and for his services shall be paid a reasonable compensation, to be allowed by the court of claims and paid out of the county levy, as other claims are now by law paid.

§ 11. This act to take effect and be in force from and after its passage.

Approved February 20, 1884.

CHAPTER 201.

AN ACT to legalize an order of the Bullitt county court, made November eighteenth, one thousand eight hundred and seventy-eight, levying a tax of five cents on each one hundred dollars' worth of taxable property in Bullitt county.

WHEREAS, At a regular term of the Bullitt county court of claims, held Monday, November eighteenth, one thousand eight hundred and seventy-eight, the following order, by the assent of a majority of the justices of Bullitt county.

sitting as a court of claims, was made: It is ordered that a tax of five cents upon each one hundred dollars' worth of taxable property of Bullitt county be levied for the purpose of paying for the erection of a bridge across Pond creek, to be collected by the sheriff of Bullitt county as other revenue tax is collected, the amount of property to be ascertained from the assessor's book to be returned for the year one thousand eight hundred and seventy-nine, and said tax to be collected for said year; and whereas, there is doubt as to the power of said court of claims to make said order and levy said tax; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the action of the Bullitt county court of claims, held Monday, November eighteenth, one thousand eight hundred and seventy-eight, in levying a tax of five per cent. on each one hundred dollars' worth of taxable property of Bullitt county, levied for the purpose of paying for the erection of a bridge across Pond creek, to be collected by the sheriff of Bullitt county as other revenue tax is collected, the amount of property to be ascertained from the assessor's book to be returned for the year one thousand eight hundred and seventy-nine, and said tax to be collected for said year be, and the same is hereby, legalized and declared valid, and of as much binding force and effect as if authorized by law at the time said order was made.

§ 2. This act shall take effect from its passage.

Approved February 20, 1884.

CHAPTER 203.

AN ACT to provide a jury for the Butler county quarterly court, and to provide for the payment of the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the Butler county quarterly court may, at each regular term of said court, appoint two sober, discreet citizens of the county, not having any suit in said court, to act as jury commissioners to select twelve jurors

for the next term of said court, which commissioners shall be sworn as jury commissioners are now required to be sworn. They shall then, in a private room, select the names of fifty good citizens of the county not exempt from jury service, and place the names thereof on separate pieces of paper, and place same in a box and shake and well mix the same, and then draw therefrom twelve names, which shall be recorded on a paper and put in an envelope and securely sealed and deliver same to the judge of said court, who shall securely keep same until thirty days before the next term of said court and then open same, make out a list of the names and deliver same to the sheriff, who shall proceed to summon the persons named to attend at nine o'clock, forenoon, of the first day of the next term of said court; if any fail to attend, or if any are excused, their places may be filled from the by-standers.

§ 2. Six persons shall constitute a trial jury.

§ 3. Each juror shall be paid one dollar per day out of the county levy, and the court of claims shall annually appropriate a sum sufficient for the purpose. The sheriff shall pay each juror the sum due him upon certificate of the judge showing the amount.

§ 4. There shall be a jury fee of two dollars taxed as cost in each case where a jury is sworn, to be paid by the party demanding a jury trial, and be collected as jury fees are now collected; and all tax fees collected by any officer shall be by him reported to the next annual court of claims to be disposed of as other county funds.

§ 5. This act shall not be construed as affecting any other law or laws regulating the proceedings in the quarterly court; except as hereinbefore provided.

§ 6. This act shall take effect and be in force from and after its passage.

Approved February 21, 1884.

CHAPTER 205.

AN ACT to amend an act, entitled "An act to incorporate the Cave Hill Cemetery Company," approved February fifth, one thousand eight hundred and forty-eight.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the lot-owners in Cave Hill Cemetery shall not sell the privilege of burying in their lots without the previous written consent of the board of managers of the company; but they may, by last will and testament, or by writing directed to said company, signed by such owners and attested by two witnesses, determine who shall control the right of burial in their lots after their death; and such directions may be placed in or on the certificate of ownership of the lot.

§ 2. In the event that no such direction is made by last will and testament, or by writing as hereinbefore provided, the right of burial in any of the lots of said cemetery shall go and descend to the lineal descendants of the original owner thereof, and the husbands and wives of said descendants, in the order of their deaths, should application for such burial be made to said company: *Provided, however,* That any of said descendants may release the right of burial for himself and all persons descended from him, and their husbands and wives, by writing filed in the office of said company, and attested by the president or secretary thereof. And in case there shall be no lineal descendants of said original owner, his heirs-at-law, in the order of their deaths and applications therefor, shall have the right of burial in said lot. And the determination and decision as to any and all such rights of burial provided for in this section, and the order thereof by said board of managers, or by the president and secretary thereof, shall be final and conclusive thereon.

§ 3. This act shall take effect from and after its passage.

Approved February 21, 1884.

CHAPTER 206.

AN ACT to authorize Gallatin county to borrow money and issue bonds therefor in order to pay off and fund its indebtedness at a lower rate of interest, and to provide for the payment of the same.

WHEREAS, It appears that Gallatin county, for public improvements, is indebted in the sum of about eighteen thousand dollars, which sum is now due, and which said indebtedness is bearing a greater rate of interest than money can now be obtained for. Now, to enable the said county to fund its said indebtedness at a lower rate of interest, and to pay the debts now due,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the Gallatin county court be, and he is hereby, authorized and empowered, for the purposes aforesaid, to borrow a sum of money, not to exceed twenty thousand dollars, on the credit of the said county, and to issue therefor to parties furnishing the money county bonds, with interest coupons attached, not exceeding twenty thousand dollars in the aggregate, and of denominations of not less than two hundred and fifty dollars nor more than five hundred dollars, payable in ten years from their respective dates, and shall be redeemable at the pleasure of the county court, at any time before their maturity, after three years from their respective dates. Said bonds shall bear interest at a rate not exceeding six per cent. per annum, payable annually.

§ 2. That said county bonds shall be in such form as to show the purport for which they are given, to whom given, and the county's obligation therefor, on the terms prescribed above. Said bonds and coupons attached shall be signed by the county judge, attested by the county clerk, and stamped with the seal of the county court, and so executed, shall be binding on the county.

§ 3. Said bonds shall be drawn payable at the clerk's office of the Gallatin county court.

§ 4. It shall be the duty of the county court to make the necessary arrangements for the annual payment of the interest on said bonds, and for their final redemption. And

to enable the court to comply with, and carry out the provisions of this act, it is hereby authorized to levy at its court of claims an annual ad valorem tax of not exceeding twenty-five cents on each one hundred dollars' worth of taxable property liable to State revenue within said county.

§ 5. That the taxes levied under this act shall be collected in the same manner, and under the same liability on the part of the sheriff on his official bond, that the other county levies and taxes are collected.

§ 6. Said taxes, when so levied and collected, shall be held under the control of, and subject to the order of, the county judge for the payment of the interest and principal of said bonds, and for no other purpose.

§ 7. The money borrowed by the county judge, and for which bonds are executed as hereinbefore set out, shall by said judge be applied to the payment of the indebtedness of the county now due, amounting to about eighteen thousand dollars.

§ 8. That when any of the evidences of the county's indebtedness shall be taken up by the county judge in pursuance of this act, they shall be canceled or mutilated by him in such manner as to show that they have been paid, and have been taken up, and they shall [then] be given to the clerk, who shall preserve them as part of the county records.

§ 9. It shall be the duty of the county court clerk, upon some book to be kept by him for that purpose, to make a register of all bonds issued in pursuance of this act, giving their dates, amounts, rate of interest, to whom issued, and the dates of their maturity.

§ 10. In borrowing money for the purposes hereinbefore set out, the county judge, in his best discretion, may borrow money by private contract, or he may, after due notice of the time, place, and terms, given by printed handbills, or by advertisement in a county newspaper having the largest circulation in the county, solicit, by public outcry, at the court-house door, proposals for loans at the lowest rate of interest, and he shall have the privilege at such times of rejecting any and all propositions; and in the exercise of

that privilege, he shall be guided by his best judgment, looking only to the interest of the county: *Provided*, The bonds authorized to be issued by this act shall not be sold for less than their par value.

§ 11. That the county judge of said county shall be liable on his official bond for a faithful application of the sums of money received by him under this act.

§ 12. That when any of the indebtedness of said county, bonded or otherwise, shall become due, and the county shall desire to pay the same, the judge of the county court shall, by written notice, notify the party or parties holding the same to present the same to him for payment at the county court clerk's office on a certain day, to be fixed in the notice; and upon the failure of the creditor to present the same for payment on the day specified, interest on such bonds or other evidences shall cease on that day. * If the creditor reside in the county, said notice shall be served by some officer of the county; but if said creditor reside elsewhere, the notice may be sent by mail, and placing the same in a sealed envelope, plainly directed to him at his known place of residence, postage prepaid, and deposited in the post-office at Warsaw, shall be deemed sufficient notice on the fifth day thereafter.

§ 13. This act shall take effect from its passage.

Approved February 21, 1884.

CHAPTER 207.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors, or any mixture thereof, within school district number thirty-eight, in Hickman and Fulton counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell or vend any spirituous, vinous, or malt liquors, or any mixture thereof, within school district number thirty-eight, in Hickman and Fulton counties, and the county courts of said counties shall not grant license to saloon or tavern with the privilege of selling such liquors within said boundary.

§ 2. Any person violating the provision of this act shall, upon conviction thereof before a justice of the peace, or the judges of said counties, or upon indictment of a grand jury, be fined in any sum not less than twenty-five dollars nor more than one hundred dollars.

§ 3. This act shall take effect from and after its passage.

Approved February 21, 1884.

CHAPTER 208.

AN ACT for the benefit of John L. Wilson, son of Benj. F. Wilson, of Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John L. Wilson, son of Benj. F. Wilson, of Flat Rock precinct, in Bourbon county, be, and he is hereby, released from all the disabilities of an infant, and vested with all the rights and privileges, liabilities and responsibilities of an adult.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 21, 1884.

CHAPTER 210.

AN ACT to amend the charter of the town of Hodgenville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Hodgenville be so amended that hereafter, that if any person shall be fined by any court of competent jurisdiction for an infraction or violation of any of the provisions of the charter or by-laws of said town, and such person or persons shall fail or refuse to immediately pay or replevy said fine, together with the cost occasioned by the prosecution, then it shall be lawful for the court rendering the judgment to order such person or persons to be worked on the streets, alleys, or public square of said town, until said person or persons shall have discharged said fine and cost, by allowing the person or persons so

worked one dollar per day for each day thus worked; and when thus discharged, the same to be in full satisfaction of said fine and costs.

§ 2 It shall be the duty of the marshal of said town to take charge of any person thus ordered to work, and for the purpose of preventing the escape of such person or persons, it shall be lawful and shall be his duty to confine said person or persons, while thus at work, with ball and chain, and when such persons are not at work, to keep them in the county jail or any place provided by the board of trustees of said town for keeping prisoners; and the person dieting such prisoners shall be allowed fifty cents per day. This shall embrace his service for receiving and releasing each day; these fees to be paid by the board of trustees of said town: *Provided*, That no part of this amendment shall apply to females, who shall be fined.

§ 3. The board of trustees of said town shall have full power to pass all needful by-laws to enforce and carry out the provisions of this amendment. This act shall take effect and be in force from its passage.

Approved February 21, 1884.

CHAPTER 212.

AN ACT to amend an act to incorporate the town of Wallonia, in the county of Trigg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section first of said act be amended by inserting after the name of J. H. Endsley, "thence to Jas. W. Wallace's, including said Wallace and his lot in said corporation; thence back to Pool's and Wilson's line."

§ 2. This act to take effect and be in force from and after its passage.

Approved February 21, 1884.

CHAPTER 213.

AN ACT to incorporate the Southwestern Contract and Construction Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. F. Trabue, Bennett H. Young, and H. D. Dougherty, their successors and assigns, are hereby created a body corporate and politic, with perpetual succession, by the name and style of the Southwestern Contract and Construction Company; and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as natural persons; to have and use a common seal, and alter the same at pleasure; and to conduct its business and execute contracts in relation thereto, not inconsistent with the Constitution and laws of this State or of the United States.

§ 2. The said Southwestern Contract and Construction Company shall have power to contract with any individuals or corporation for the construction or equipment of any railroad, street railroad, turnpike, elevator, wharf, bridge, and connecting railway lines, canal, park, roadway or other work or internal improvements in or out of the State of Kentucky, and is authorized to receive in payment for any work so done the capital stock, bonds, or other securities or property of any such corporation or individual; and hold, transfer, assign, or dispose of the same to corporations or individuals in such manner as the board of directors of said Southwestern Contract and Construction Company may deem proper. And the capital stock of any corporation so secured and accepted by said contract and construction company from said corporation, or any individual having subscribed for the same, in payment for the construction and equipment of any railway, street railway, bridge, or other service performed for any of the purposes named herein, shall be deemed and held as fully paid and non-assessable.

§ 3. The affairs of said corporation shall be managed by a board of not less than three nor more than thirteen directors, to be chosen by the stockholders on the first Monday

of May of each and every year, notice of which meeting shall be mailed to each stockholder of record five days prior to date of said meeting. If, from any cause, such election is not held on the day named, the directors then acting shall hold over until their successors are elected and qualified; such meeting for such election shall be called upon the request of any stockholder; and the notice provided for above shall be given of such called meeting of stockholders.

§ 4. The directors, or a majority of those remaining, shall have power to fill all vacancies caused by death or resignation among their members; and such persons elected to fill said vacancies shall hold office until their successors are elected and qualified. The capital stock of said Southwestern Contract and Construction Company shall be any sum not exceeding five hundred thousand dollars (\$500,000), divided into shares of one hundred (\$100) dollars each; and the same shall be transferable on the books of the company as may be fixed by the by-laws. E. F. Trabue, of Louisville, Kentucky, is authorized to open subscription books; and whenever one hundred shares of the capital stock shall have been subscribed for, the subscribers shall meet and elect a board of directors, who shall serve until an annual meeting, or their successors are chosen, as herein provided for. The board of directors shall have power to adopt by-laws, rules and regulations, for the conduct of the business of the corporation; and the meeting of the directors may be held in or out of the State, and at such time and place as the majority of the board may fix. The principal office of the said corporation shall be located in the city of Louisville, unless otherwise fixed by the board of directors. The capital stock shall be paid for upon such terms as the subscription therefor shall provide. But nothing in this act shall be deemed to exempt the property of this corporation from taxation.

§ 5. This act shall take effect from and after its passage.

Approved February 21, 1884.

CHAPTER 214.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors, within three miles of Picket's Chapel Church, in Adair county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful hereafter for any person or persons to sell or loan any spirituous, vinous, or malt liquors, or a mixture thereof of either, by retail, within three miles of Picket's Chapel Church, in Adair county.

§ 2. Any person violating the provisions of the first section of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, upon a warrant of a justice of the peace, county judge, or indictment of a grand jury in said county, shall be fined in a sum not less than twenty nor more than fifty dollars for each offense.

§ 3. This act shall take effect from and after its passage.

Approved February 21, 1884.

CHAPTER 216.

AN ACT to authorize Mrs. Hancock Taylor to erect a gate across the public road on her farm, in Crittenden county.

WHEREAS, It is not the interest of or the aim of the State to impoverish her citizens, but to advance their interest; and whereas, it is impossible to erect a fence upon the lands of Mrs. Hancock Taylor, in the Ohio river bottoms, in Crittenden county, that will withstand the almost annual overflows; and whereas, the county road running through said lands is source of useless and repeated expense, if fences are required to be kept up along said road; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Mrs. Hancock Taylor is hereby authorized to erect a gate across said road; but shall be required to keep said gate in good order, and to be easy opened and shut.

§ 2. This act shall be in force from and after its passage.

Approved February 21, 1884.

CHAPTER 217.

AN ACT to legalize an order of court of claims and levy court of Boone county, in regard to the sale of the delinquent levy lists.

WHEREAS, The court of claims and levy court of Boone county, on the fifteenth day of January, one thousand eight hundred and eighty-four, made an order directing the sheriff to place in the hands of the county attorney the delinquent levy list for the year one thousand eight hundred and eighty-three, which list had been allowed the sheriff in his settlement; and whereas, said court directed the county attorney to sell said list to the highest bidder, to secure an increase in the county revenue; and whereas, doubts exist as to the legality of said court to make such an order; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said order is hereby declared legal, and the purchasers of said list, or any part of it, are hereby invested with the same power and authority for the collection of the same as is now conferred upon sheriffs for the collection of county revenue.

§ 2. This act shall be in force from its passage.

Approved February 21, 1884.

CHAPTER 218.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors, within one and a half miles of Shady Grove Church, in Casey county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful, from and after the passage of this act, for any person or persons to vend, sell, or loan any spirituous, vinous, or malt liquors, or the mixture of either, by retail, within one and a half miles of Shady Grove Church, in Casey county.

§ 2. Any person violating the provisions of the first section of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, upon warrant of a justice of the peace, county judge, or police judge, or upon indictment

of a grand jury in said county, shall be fined in a sum not less than ten nor more than fifty dollars for each offense.

§ 3. That this act shall take effect from and after its passage.

Approved February 21, 1884,

CHAPTER 220.

AN ACT relating to opening, repairing, keeping in repair, and levying and collecting taxes for the benefit of the public roads in Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an annual tax of five cents on each one hundred dollars' worth of property in Boone county, which, by law, is taxed for revenue purposes, be, and is hereby, levied and imposed for the purpose of opening, repairing, and keeping in repair the public roads in said county.

§ 2. It shall be the duty of the assessor of Boone county, when he takes the list of taxable property of said county for each year, to note in his book the names of all persons owning lands in more than one magisterial district, the number of acres and value of same in each district, and in what district said lands are located.

§ 3. It shall be the duty of the sheriff to collect the tax imposed by the first section of this act; but before he proceeds to do so, he shall execute a bond, with sufficient surety, to be approved by the county judge, for the faithful discharge of his duties. Said bond may be substantially as follows: We, A. B., sheriff of Boone county, and C. D. and E. F., his sureties, jointly and severally bind and obligate ourselves to the Commonwealth of Kentucky that the said A. B., as sheriff, shall well and truly collect, account for, and pay over to the persons entitled to receive the same, according to law, the road tax of the county of Boone for the year —; and that he shall, when called upon by the county court, settle his accounts and pay over the amount, if any, of public road money in his hands belonging to said county; and that the said A. B. shall, in all

things, well and truly demean himself, and perform the duties of collector of the county road tax of said county. Witness our signatures this _____ day of _____. Which bond may be sued upon in the name of the Commonwealth for the use and at the costs of any person aggrieved by a violation of the same. But in the event the sheriff should fail to execute such bond and proceed to collect and did collect the road tax, then he and his sureties on his official bond shall be liable therefor.

§ 4. The sheriff shall settle annually with the county judge, or a commissioner appointed by him for that purpose, in the month of February of each year, in regard to the road funds. The intention of such settlement is to determine how much money is in the hands of the sheriff for distribution for road purposes, the amount of money each magisterial district is entitled to, and also what amount of money each road district is entitled to; and upon such settlement being made, the same shall be entered as a public record upon the order-book of the county court, and the county judge shall then make an order directing the sheriff to pay immediately to each incoming road surveyor appointed at the March term of the county court according to section six of this act, the several amounts of money shown by such settlement going to such surveyors. The sheriff shall be allowed five per cent. of the amount collected as compensation, and the judge or commissioner making the settlements shall be allowed five dollars, paid out of the county levy.

§ 5. Each magisterial district shall be divided into four road districts, each to have, as near as may be, without actual measurement and allotment, the same number of miles of public road, and the same number of persons to work thereon. The present division of roads and allotment of hands to remain until changed by the county court.

§ 6. The county judge shall, at the regular March term of the county court in each year, appoint in each of said road districts a surveyor of roads, who shall be notified of his appointment by the sheriff within fifteen days thereafter.

§ 7. It shall be the duty of each surveyor of roads to superintend the opening, repairing, and keeping in repair, all the public roads in his road district. He shall, between the first day of April and the first day of November in each year, notify each person in his road district who is required by law to work upon public roads, of the time when, and place where, he will work the road; and this notice must be given two days before the time fixed, and may be verbal. It shall be the duty of all such persons thus notified to attend, with proper implements, at the time and place fixed by the surveyor, and work for two full days upon the public roads; but any such person may, at the time he is notified, pay to the surveyor the sum of two dollars, and he shall thereupon be exempt from working upon roads for that year, except as provided for in section nine of this act.

§ 8. Any person liable to work upon public roads who shall, after due notice has been given him, fail to work two full days upon the same each year, as required, or to pay two dollars to the surveyor in lieu thereof, or who shall fail to work or pay any part of the same, shall be reported immediately by the surveyor to the county judge, who shall thereupon issue a warrant of arrest for said delinquent, directed to the sheriff or any constable of Boone county, returnable to the county judge within ten days, and the said delinquent shall thereupon be fined at the rate of two dollars per day for each day or part of a day that he shall have failed to work, together with the costs of said proceedings: *Provided, however,* That said delinquent, at the time of his arrest, pay to the officer making his arrest, at the rate of one dollar per day for the time he shall have failed to work, together with the costs of the proceedings against him; and he shall thereupon be discharged; and in order to enforce the provisions of this act, no property in this Commonwealth owned by a delinquent road-worker shall be exempt from execution.

§ 9. All funds received by the several surveyors for road purposes shall be expended upon the public roads in their respective districts between the first day of April and the first day of November in each year. They shall distribute

the hands and the proceeds of said funds among the various roads of their districts, taking into consideration their condition, and the amount and kind of travel upon the same; and if at any time after having exhausted all their resources, any road, bridge, or culvert is in an unsafe and dangerous condition, they shall order out, without delay or previous notice, any hands liable to work upon said road, not to exceed two days, for the purpose of repairing the same; and any such person so notified and failing to work as required, shall be reported immediately to the county judge, and be subject to the same fines and penalties as a delinquent road-worker: *Provided, however,* That no person shall be so ordered out or required to work a second time who is not the owner or renter of lands, or a teamster interested in the condition of said road.

§ 10. Public roads in Boone county shall include the streets and alleys of towns, which are continuations of public roads, and are not included in the charter of a turnpike company.

§ 11. Surveyors of roads shall be allowed one dollar and fifty cents per day for their services, while actually engaged in notifying or superintending hands; but in no case shall they receive more than twenty dollars each for such services in any one year, which sum they may retain out of the road funds in their hands.

§ 12. At the expiration of their terms of office, the several surveyors aforesaid shall make a report, in writing, to the county court, of all their acts under this law, showing the amount of money received, from whom received, the amount expended, to whom, and for what paid, and a list of all road-workers in their respective districts. They shall, at the time of filing their reports, pay all road funds in their hands into the county court, and said court shall order the same to be paid to the incoming surveyors in their proper districts.

§ 13. Any surveyor of roads who shall fail to perform any of the duties devolving upon him by virtue of this act, shall be liable to a fine not exceeding twenty dollars for each offense; and any officer failing to perform any of the duties

required of him by virtue of this act shall be liable to a fine not to exceed ten dollars for each offense, in the discretion of the county judge, who shall have exclusive jurisdiction over all road cases. The county judge shall, when he shall have received information by the affidavit of any person living in any road district in said county, or have knowledge of the failure of any surveyor of roads, or other officer, to perform any such duty, issue a rule against such delinquent surveyor or officer, to show cause why he has not performed such duty; and if sufficient cause be not shown, such surveyor or other officer may be compelled, by fine as aforesaid, to perform said duty; and in all cases where a rule is so issued the delinquent surveyor or officer shall pay the costs thereof.

§ 14. All fines collected from any road-worker or surveyor of roads shall be paid into the county court by the officer collecting the same, and the court shall order the same to be paid to the surveyor in the delinquent's road district. All fines collected from any officer by virtue of this act shall likewise be paid into court, and shall go to the general fund for road purposes. .

§ 15. The county judge may, for cause, remove any surveyor of roads, and upon such removal compel him to make a settlement of his accounts; he shall have power to fill any vacancy that may occur, and it shall be his duty to see that the provisions of this act are enforced.

§ 16. All acts in conflict with this act are hereby repealed.

§ 17. This act shall take effect from its passage.

Approved February 22, 1884.

CHAPTER 222.

AN ACT to prohibit the sale or loaning of spirituous, vinous, or malt liquors, within three miles of Beech Grove Church in Casey county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful, from and after the passage of this act, for any person or persons to vend, sell, or loan any spirituous, vinous, or malt liquors, or the mixtures of

either, by retail, within three miles of Beech Grove Church, in Casey county.

§ 2. Any person violating the provisions of the first section of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, upon a warrant of a justice of the peace, county judge, or indictment of a grand jury in said county, shall be fined in a sum not less than ten nor more than fifty dollars for each offense.

§ 3. That this act shall take effect from and after its passage.

Approved February 21, 1884.

CHAPTER 223.

AN ACT to run and establish the line between the counties of Green and Hart.

WHEREAS, It is represented to the present General Assembly that the line between Green and Hart counties has never been correctly run, and that many who have been considered as inhabitants of Green county have attended the courts, voted at the elections, listed their property, and paid taxes in the said county of Green, and to run the line correctly are in the county of Hart; and it is also represented that those inhabitants, as well as others, are as convenient to the court-house of Hart county as they are to the court-house of Green county, by reason of which it is thought expedient to have said line run:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That that part of Hart county included between the present line dividing Green and Hart, and the following bounds, to-wit: beginning at the mouth of Little Barren river, running thence down Green river to a point on Green river two miles above the mouth of Linn Camp creek, from thence running on the dividing ridge between Linn Camp creek and Brush creek, so far as will include all the settlers of Brush creek in Green county.

§ 2. That the said line shall be run by the surveyor of Green county, and a surveyor to be appointed by the county

judge of Hart county, and the expenses to be equally divided between said counties of Green and Hart.

§ 3 That said line shall be run by either county after ten days' notice is given to the county judge and surveyor of the other county. That said surveyors shall have good and substantial stones or rocks put up where said line crosses all roads and water-courses, and have plain marks made in the trees on said line. That the surveyors who run the line shall be paid for their services a reasonable compensation, to be fixed and paid by the county courts of said Green and Hart counties; and the expenses of said survey and establishment of boundary shall be equally divided between said counties of Green and Hart. That said surveyors shall make out, in a fair hand, two copies of the field notes of said line, which shall be filed with the clerk of said counties of Green and Hart, who shall record the same in the deed-book used in his office. That said lines, when so run and marked, shall be the line between said counties of Green and Hart. That in the event the surveyors herein appointed shall disagree as to where said boundary line shall run, they shall have power, and are hereby directed, to procure a disinterested person from either Larue or Taylor counties, whose decision shall be final as to where said line is to run, and his decision is to be final on said subject.

§ 4. This act shall be in force from and after its passage.

Approved February 21, 1884.

CHAPTER 224.

AN ACT to incorporate the "Congregation B'rith Sholem," in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henry Shoninger, Abraham Lederman, Isaac Kahn, Leopold Newburger, Levi Moses, Louis Straus, Henry Klein, and Samuel Wise, and all other Israelites residing permanently or temporarily in the city of Louisville, who may apply for membership in and be accepted by the congregation hereby incorporated, and their suc-

cessors, are hereby constituted a body-corporate and politic, under the name and style of the "Congregation B'rith Sholem," according to the form and mode of worship of the German Israelites in said city of Louisville; and under such title and denomination shall have perpetual succession, and shall be capable in law of owning, purchasing, receiving, accepting or rejecting, holding, possessing, and enjoying, for themselves and their successors, real, personal, and mixed property of whatever kind, not exceeding in value seventy-five thousand dollars, by means of any act, contract, deed, purchase, gift, donation, legacy, devise, cession, succession, or transaction whatsoever; and all property so acquired, held, or owned by said congregation shall be forever free and exempt from taxation of any kind, or for any purpose whatever; and said congregation may erect, occupy, and carry on a house or temple for religious worship, also a religious or educational school; may make contracts, sue and be sued, plead and be impleaded, have, use, alter, and renew at pleasure a common seal; sell, convey, or otherwise dispose of any property, real, personal or mixed, or assets of whatever kind held, owned, or possessed by it, or in which it has any interest whatever; and may enact and put into execution a constitution, by-laws, resolutions, rules and regulations for carrying out the provisions of this act, and for the better government of said congregation, not inconsistent with the Constitution or laws of the United States or of this State: *Provided*, That said church or congregation shall not hold and own for church purposes more than fifty acres of land.

§ 2. The officers of said congregation shall consist of a president, vice president, secretary, and treasurer, and a board of trustees, which shall be composed of the officers hereinbefore named, and five other members of the congregation, which said officers and trustees shall continue in office one year from the time of their election, and until their successors shall be chosen and qualified: *Provided, however*, That no one shall be elected to or hold any of the offices aforesaid, or be a trustee as aforesaid, unless he shall have attained the age of twenty-five years, be a member of said

congregation, and a permanent resident of said city of Louisville. Elections for filling said offices and trusteeships shall take place at a general meeting of the congregation on some day in the months of September or October, in every year, called for that purpose by the president, of which he shall give at least one day's notice at the regular meeting of the congregation in its temple or house of worship. All elections by ballot or otherwise, if effected by the congregation, shall be carried by a majority of the members present in session; and if effected by the board of trustees, as hereinafter provided, then by a majority of the trustees present in session; and in case of an equal division in the vote, the officer presiding at such session shall give the casting vote. If an election shall not take place on the day or at the time specified for that purpose, said corporation shall not, on that account, be deemed dissolved; and any three members of said congregation may, in such case, call a meeting of said congregation for the purpose of holding such election; nor shall said corporation or congregation be dissolved for any cause whatever so long as ten of its members adhere thereto.

§ 3. Said congregation, or, if it so direct, the board of trustees thereof, may appoint or elect a sexton and such other officers, agents, and employes as may be deemed necessary for the transaction of its affairs, and may prescribe the duties to be performed by all of its officers, agents, and employes. The secretary and treasurer, and the sexton, if there be one, of such congregation, shall respectively execute such bond, with surety or sureties for the faithful performance of their respective duties, as said board of trustees may see fit to require. Said board of trustees shall fairly and equitably assess and tax each member of the congregation for the support, uses, maintenance, and purposes of the congregation.

§ 4. General meetings of the congregation shall be held on some day in the month of September or October in every year, as hereinbefore provided, and at such other times and at such places as may be designated by the president or board of trustees; but upon the written request of ten mem-

bers, the president shall call a special meeting of the congregation.

§ 5. Said congregation may acquire, hold, and use, by purchase, deed, gift, devise, or otherwise, any quantity of real estate, not exceeding fifty acres, at or near said city of Louisville, for cemetery purposes, and may lay out and divide the same into burial lots, with suitable and appropriate avenues, lanes, passways, and roads, and may sell and convey or transfer such lots, to its members or other Israelites; and for such purposes it, or, if it so direct, its board of trustees, may enact and put into execution such by-laws, rules, regulations, and resolutions as may be deemed necessary, not inconsistent with the Constitution or laws of the United States or of this State; and such real estate, together with its appurtenances and improvements, shall be forever free and exempt from taxation of any kind or for any purpose whatsoever, and from all executions, attachments or other legal process, and from any charge, liability, appropriation, or assessment to or for any public purpose whatsoever, inconsistent with its use as a cemetery, for which purpose and use it is hereby forever dedicated. But no property owned or acquired by said congregation shall be exempt from State, city, or county taxes, except such as is exclusively used for religious worship, orphan asylums, hospitals, or burial grounds.

§ 6. The members of said congregation shall not, separately or collectively, under any pretext whatever, sell, cede, alienate, transfer, lease, or rent any of the congregation's property consecrated by it to public worship or the burial of Israelites; but nothing contained in this section shall prevent the congregation as a body-corporate from selling, conveying, or otherwise disposing of any property or assets held or owned by it, or in which it has or may have an interest, as hereinbefore provided.

§ 7. This act shall take effect from and after its passage.

Approved February 25, 1884.

CHAPTER 225.

AN ACT to incorporate the Prestonsville and English Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A company may be formed and created a body-politic and corporate, by the name and style of the Prestonsville and English Turnpike Road Company, for the purpose of making a turnpike road from the town of Prestonsville to English Station, in Carroll county, Kentucky, to be located on any route the directors of said company may select.

§ 2. The capital stock of said company shall not exceed the sum of ten thousand dollars, divided into shares of fifty dollars each, subscribed in the manner hereinafter set forth.

§ 3. A book or paper for the subscription of stock in said company may be opened at any time by William Hartman, B. T. Robinson, J. J. Ashby, Wm. Cochran, H. C. Bosworth, Ben. Gullion, J. E. Grobmeyer, Prentis Meade, and E. H. Smith, who are appointed commissioners for that purpose, and who, or any of them, may solicit subscriptions for that purpose, in which book the persons proposing to become stockholders in said company shall enter into an obligation in words as follows, viz: We, whose names are hereunto subscribed, do promise to pay to the Prestonsville and English Turnpike Road Company the sum of fifty dollars for each share of stock in said company set opposite our names, respectively, in such manner and proportions, and at such times, as shall be required by said company.

§ 4. The book for the subscription of said stock shall remain open at the option of the company, or until the whole of the capital shall have been subscribed.

Subscription book to remain open at option of company.

§ 5. As soon as fifty shares are subscribed, the said commissioners, or any of them who may act, may give notice for a meeting of the subscribers to the capital stock of said company, to be held at the court-house in Carrollton, Kentucky, for the purpose of choosing a president and five directors to manage the affairs of the said company; said notice to be given by one insertion in the county paper, if

President and directors — when and how elected.

one is published, or by written notice posted at the court-house or post-office in Carrollton seven days before said meeting. Said commissioners, or any three of them who may be present at said meeting, may take the votes of those who shall have subscribed to the capital stock of the said company, and shall allow each person who shall have so taken stock to vote once, in person or by written proxy, for each and every share of stock so subscribed; and the said commissioners, or those of them who shall be present and act, shall declare the person having the highest number of votes cast for him as president to be duly elected president, and the five persons having the highest number of votes cast for them as directors to be duly elected directors; and in case of a tie, the commissioners so acting, or a majority of them, shall cast the deciding vote; and thereafter, on the first Monday of August in each year, the president and directors for said company shall be elected, at such place as the president and directors then in office shall designate, of which notice shall be given in writing, and posted on the court-house door in Carrollton, Kentucky, at least four weeks previous to holding the election; at which elections the officers of the company, or any three of them, may preside, and conduct the same in the manner above specified: *Provided*, No person not a stockholder in the company shall be eligible to the office of president or director, nor any stockholder who has not paid all calls made by the president and directors of said company on the stock subscribed or held by him, and no stockholder shall vote at any election unless the whole amount due and payable on the share or shares held by him or her shall have been paid to the extent the same shall have been called.

§ 6. The said president and directors shall, before they enter upon the duties of their offices, take an oath before some judge, justice of the peace, or clerk of a court, that they will faithfully, to the best of their skill and ability, discharge the duties of president and directors of said company, without fear, favor, or affection, according to law, a certificate of which shall be filed with the records and pa-

To take an oath.

pers of said company. Upon the qualification of the president and directors, they shall elect a treasurer, secretary, and such other officers as they may deem necessary, and who shall hold their offices during the pleasure of the president and directors of said company. The president and directors shall hold their offices until their successors are elected and qualified. The said president and directors shall have power and authority to take and require of the several officers by them appointed such bond or bonds as they may deem necessary and proper to secure a faithful discharge of the duties of their respective offices.

When qualified to be a body politic and corporate.

§ 7. Upon the election and qualification of the president and directors aforesaid, they shall be a body politic and corporate, in deed and in law, by the name, style, and title of the Prestonsville and English Turnpike Road Company, and by the said name the said company shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof; and of purchasing and holding, to them and their successors and assigns, and of selling, and transferring, and conveying all such lands, tenements, and estates, real and personal, as shall be deemed necessary to them in the management of its affairs; and to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, in all the courts of this Commonwealth, or in every other place whatever; and to do all and every matter and thing which a natural person may do.

How subscriptions of stock may be paid.

§ 8. The said president and directors, upon their entering upon the duties of their offices, may call upon the stockholders for ten dollars on each share of stock subscribed, and may make such call every thirty days until the whole amount subscribed shall be paid.

Private property of stockholders not liable for debts.

§ 9. The private property of the stockholders shall not be subject to, nor in any way be bound for, the debts of the company.

Elevation and grade of road.

§ 10. Said company shall fix and regulate the elevation and grade of the said road, the width of the part thereof to be covered with stone, also the thickness, and designate the

points of commencement and termination, and route of the road, and the points for the erection of toll-gates.

§ 11. The said company shall deliver a certificate, signed by the president and attested by the secretary, to each shareholder for each share subscribed and paid for by him, her, or them, which certificate shall be transferable on the books of the company, in person or by attorney, subject to the claim of the company for any debt or demand it may have against the person transferring the same; and the company shall have a lien on the stock held by any stockholder in the company for the payment of any debt due the company from such stockholder.

Certificate to be delivered to each shareholder.

§ 12. The president may call meetings of the directors at such times and places as he may think proper. Two of said directors and the president, or three of the directors in the absence of the president, shall constitute a quorum for the transaction of business. They shall keep a record of their proceedings, to be entered in a book provided for that purpose; and they shall be signed by the president and attested by the secretary; and in case of the death or absence of the president, the directors shall elect a president *pro tempore*; and they may adjourn from time to time as they may think proper, and may fill vacancies in their body occurring by death, resignation, refusal to act, or otherwise, until the next regular election is held.

By whom meetings may be called.

§ 13. The company, and the engineers, chain-carriers, and so forth, in the employ of said company, shall have power and authority to enter in and upon the lands and inclosures and public roads, through and over which the said intended road may be thought proper to pass; and to examine the quarries, beds of stone, gravel, and other materials necessary for the completion of said road.

Employees to have right to enter upon lands, &c.

§ 14. The company shall have power and authority to agree with and appoint all such surveyors, engineers, and other officers and agents necessary to carry on the business of the company; and may adopt such by-laws as may be necessary for the management of the business of the company.

May adopt by-laws.

§ 15. The said company shall have the right to survey, lay out, locate, and make its road through any improved or

May survey and locate road.

unimproved lands between Prestonsville and English, and to take from the land occupied by said road, when surveyed and located as aforesaid, or upon any land in the vicinity thereof, any stone, gravel, timber, or other material necessary to construct a good, secure, and substantial road, as contemplated by this act: *Provided*, The said material shall not have been previously quarried or prepared or otherwise appropriated; and in case any difference shall arise between the owner or owners of any ground, or their agents, from which material are sought to be taken as aforesaid, and said company or its agents, respecting the value thereof, or damages therefor, the same shall be determined as hereinafter provided.

Now right of way
may be acquired.

§ 16. In case the said company shall be unable to agree with the owner of any lands for the right of way through the same, it may make application to the presiding judge of the Carroll county court for the appointment of three commissioners, who shall, after taking an oath that they will faithfully, and to the best of their ability, discharge the duties of their position, proceed to view such land, and assess the value thereof, and the damages which the owner or owners thereof will sustain by reason of the location of said road; but in assessing the damages which the owner or owners of such land will sustain by reason of the location of said road, said commissioners shall take into consideration the advantages resulting to the adjoining lands of the proprietor by reason of such location; said commissioners shall report, in writing, to the said presiding judge, and thereupon he shall cause notice to be given to the proprietors of such land, or their agents or representatives, to appear at the expiration of ten days, and show cause why such report should not be confirmed, and the right of way vested in said company. If any of said owners are infants, or persons of unsound mind, a guardian *ad litem* shall be appointed as in other cases; and if they are non-residents, and have no agents in the county, a warning order shall be made. In case such owner fails to appear, or having appeared, fails to make any exception to said report, the presiding judge shall confirm the same, and make an order

vesting the right of way in said company. In case exceptions are made to said report, either by the owner of the lands or the company, the said county judge shall decide upon the same. In case either party shall be dissatisfied with the judgment thereon, an appeal may be taken to the circuit court as in other civil cases.

§ 17. No judgment shall be rendered vesting the right of way in said company, until the value of the land, and the damages assessed by the commissioners or by the judge, shall have been paid to the owner or his authorized agent, or deposited in court for such owner.

When judgment to be rendered vesting right of way in company.

§ 18. The said company shall have the power and authority, so soon as it shall have completed two and a half continuous miles thereof, to call three disinterested house-keepers to examine the same; and if they shall certify that said road has been made in a good and substantial manner according to the provisions of this act, which certificate shall be recorded in the office of the clerk of the county court, the said company may cause a gate to be erected across said road, and may demand, collect, and receive the same rates of toll and duties from all persons traveling the same with horses, cattle, or any other animals, and with carriages, wagons, sleds, and other vehicles of conveyance, as now allowed by the general laws of this Commonwealth for turnpike roads. The company shall cause printed lists of the rate of tolls which they may lawfully demand to be affixed at each toll-gate on the road: *Provided*, That no person shall be required to pay toll at any of the gates erected as aforesaid going to or returning from religious service on the Sabbath, or in going to or returning from funerals; and as said road progresses to completion, the same charges may be made for any additional part of said road that may be completed as aforesaid in connection with that part over which said gate may be erected.

When toll-gates may be erected.

§ 19. When the said road, or any continuous two and a half miles thereof, shall be completed, the company may contract for, purchase, and hold any quantity of land that may be deemed necessary for toll-houses, and so forth, or, if necessary, may have a sufficient quantity of ground for said purpose condemned as hereinbefore provided.

May purchase land, necessary toll-houses, &c.

§ 20. If any person liable to pay toll on said road, at either of the gates erected in conformity with this act, shall directly or indirectly evade the same, such person or persons so offending, for ever such offense shall forfeit and pay to the company the sum of ten dollars, recoverable before any justice of the peace in like manner as other debts of equal amounts.

To whom release
of right of way to
be made.

§ 21. The commissioners appointed to receive subscriptions of stock, or any of them, are hereby authorized to take a release of the ground and right of way from the persons though whose lands said road may pass and be constructed, and a grant of material that may be necessary to construct or repair said road.

Stockholders
may work out
stock on road.

§ 22. The company shall have full power to permit any stockholder to work out his or her stock in said road that he or she may have subscribed, or any part thereof, at an agreed price.

May condemn
land along route
of road.

§ 23. That the president and directors may, if they deem necessary, cause to be condemned along the route of the proposed road not exceeding fifty feet in width, upon which to construct said road and all necessary ditches and drains.

All moneys to be
paid over to the
treasurer.

§ 24. All moneys to which the company may be entitled, and which may be received by it or any of its officers or agents, shall be paid over to the treasurer, and shall be paid out by him only upon the order of the board of directors, as shall appear from the record of the company, and a certified copy therefrom, signed by the president, attested by the secretary, and presented to said treasurer for payment.

County court
may make dona-
tion to said com-
pany.

§ 25. The presiding judge and justices of the Carroll county court, or a majority of them concurring, may, by order entered on the records of said court, donate to said company any bridges over any public roads of the county over which the road of the said company may pass.

May purchase
any road connect-
ing with this road

§ 26. The said company shall have power and authority to purchase any turnpike road with which its road may connect, or to purchase any part thereof or interest therein which it may desire, together with all the rights and franchises, of whatsoever kind or nature, belonging thereto.

§ 27. The said company shall have full power and authority to issue any bonds for the purpose of raising money to pay off any indebtedness of the company, or to raise money for the purpose of building or completing said road; and when the company shall desire to raise money for any such purpose, and shall so direct, the president of the road shall have full power and authority to convey by deed of mortgage, for said purpose acknowledged by him, for and on behalf of said company, and recorded in the clerk's office in the Carroll county court, the said road, together with all its lands, tenements, appurtenances, rights, privileges, and franchises, to a trustee for the security of the payment of said bonds.

May issue bonds.

§ 28. The money received from tolls on said road shall be expended, so far as necessary, in keeping the same in good order, and the remainder shall be applied to the payment of the principal and interest of the bonds authorized by this act, in case any shall be issued. Said company may use any part of the net earnings of the road in purchasing its bonds before maturity, and the surplus money of the company after the completion of the road and the payment of said bonds, if any are issued, shall be distributed among the stockholders in proportion to the amount of stock held by them respectively, by dividend declared at such times and in such manner as the company may see fit.

How money received for tolls to be expended.

§ 29. The president and directors of said company shall not be authorized to receive any pay for services in their respective offices.

President and directors not to receive any pay for services.

§ 30. This act shall take effect from its passage.

Approved February 25, 1884.

CHAPTER 226.

AN ACT concerning roads and bridges in Caldwell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sheriff of Caldwell county shall, on the first Monday in August, one thousand eight hundred and eighty-four, open a poll at each of the voting precincts in said

county, for the purpose of taking the sense of the legal voters of said county upon the proposition whether or not an annual tax, not exceeding fifteen cents, shall be levied on each and every one hundred dollars' worth of real and personal property in said county subject to taxation for State revenue, including what ought to be listed under the equalization law, to be expended in building and repairing the bridges, and opening and working the roads in said county.

§ 2. That it shall be the duty of the county court of said county, for at least one month before said election, to have this act published in some newspaper published in said county, and also have the same printed and posted up at one or more conspicuous places in each precinct before said election: *Provided*, That a failure to comply with any part of this section by said court shall not prevent the enforcement of the provisions of this act if a majority vote therefor.

§ 3. The election officers shall propound to each voter who may vote the question, "Do you vote for or against the new road law?" and his vote shall be recorded for or against as he directs. The poll shall be returned as other polls in said election, and shall be examined and compared by the same officers.

§ 4. If it be found that a majority of the votes cast be in favor of the proposition submitted by this act, it shall be the duty of the examining board to certify that fact and deliver the certificate thereof to the clerk of the Caldwell county court, to be by him safely kept until the next regular term of said court, at which term the same shall be, by order of said court, spread upon the order-book thereof.

§ 5. It shall also be the duty of said sheriff at said election to open a poll at all the precincts in said county for the purpose of electing a road commissioner from each district in the county: said commissioners, together with the county judge, to constitute a board of road commissioners for said county. The poll-books for the election of said commissioners shall be returned in the same manner as the poll-books in the election of justices of the peace, and compared and certified in the same manner and by the same officers.

§ 6. In the event a majority of the votes cast upon said proposition be in favor of the same, as shown by the certificate of the examining board, it shall be the duty of said commissioners to appear before the county court of said county, within thirty days from the time of their election, and take an oath to faithfully discharge the duties of their station; and they shall hold their offices for the period of four years, and until their successors are qualified. If any one of said commissioners fail to take the oath of office within thirty days from the time of his election, his office shall be considered vacant; and any vacancy existing in the office of road commissioner shall be temporarily filled by the county court until the next ensuing August election, and until the successor then chosen has qualified. The writ of election to fill the vacancy shall be issued by the county judge.

§ 7. On the first Monday in July, one thousand eight hundred and eighty-five, and on the first Monday in July of each year thereafter, said commissioners shall meet at the court-house in Princeton, and, sitting with the county judge, who shall preside at the meetings of said board, by an order on the order-book of said court, fix and levy, in accordance with the provisions of the first section of this act, the amount of tax to be paid on each and every one hundred dollars' worth of property in said county, for the particular year in which said order is made, to be expended for the purposes named in said section: *Provided*, That if said commissioners fail to meet on the day above named, it shall be the duty of the county judge to cause said commissioners to be summoned to attend at said place within sixty days thereafter, on some day to be by him named, and perform said duty.

§ 8. It shall be the duty of the sheriff of said county to collect the tax provided for by this act, and pay out same under the orders of said board; and he shall have the same powers in the collection thereof that sheriffs now have by law in the collection of the State revenue, including power to levy, distrain, and sell for same; and the laws now in force in this State in relation to the collection of the State revenue shall govern him in the collection of said tax; and said sheriff shall be subject to all the responsibilities and re-

strictions provided for by the revenue laws of the State of Kentucky applicable to sheriffs in the collection of the State revenue. Said sheriff shall be allowed for his services in collecting and paying over said tax the same compensation as is now allowed sheriffs for collecting and paying over State revenue.

§ 9. That before said sheriff proceeds to collect said tax he shall execute, in the county court of said county, a bond, with good personal securities, worth in property in this State subject to execution, over and above their just debts, a sum equal to the amount of tax to be by him collected. Said bond shall be executed to the Commonwealth of Kentucky, binding said sheriff and securities, jointly and severally, to the Commonwealth of Kentucky, that said sheriff shall well and truly collect, account for, and pay over said tax to the person or persons authorized to receive the same, under and by virtue of the orders of said board and the provisions of this act.

§ 10. That any surplus arising from the county levy in said county, after the payment of all other claims that ought to be paid out of said levy, shall be applied under the orders of said board to the roads and bridges of said county; and in order to a better estimate and management of said surplus, it is enacted that said board shall levy the capitation tax for said county at the same time the tax provided for in the first section of this act is levied.

§ 11. That a majority of said commissioners, sitting with the county judge, shall constitute a quorum for the transaction of business.

§ 12. Said board shall have power to appoint a superintendent of roads and bridges for said county, and prescribe his duties, and fix his compensation for services. He shall hold his office for the term of two years, unless sooner removed or discharged by said board. It shall be the duty of said board to adopt such rules and regulations as may seem best for a proper application of the money provided for by this act to the purposes herein named, having due regard for the public good and the interests of the people in all portions of the county.

§ 13. It shall be the duty of the county attorney for said county to attend the meetings of said board and represent the interests of said county.

§ 14. Said board may by order fix the time for their meetings for the transaction of business, and adjourn from time to time; or the county judge may cause said commissioners to be summoned to attend at any time for the transaction of business that ought to be done by said board; and as many of said commissioners as attend at any of the meetings of said board shall be allowed one dollar and fifty cents each per day, to be paid out of the levy provided for by this act.

§ 15. The proceedings of said board shall be recorded by the clerk of the Caldwell county court in a book to be kept by him for that purpose; and the same shall be signed by the county judge as other orders.

§ 16. The working of the roads in said county, under the provisions of the General Statutes, shall be discontinued when so ordered by said board, but not until so ordered.

§ 17. This act shall take effect from and after its passage.

Approved February 25, 1884.

CHAPTER 227.

AN ACT to authorize the Boyle county court to donate five hundred dollars to construct a macadamized road in said county,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Boyle county be, and said court is hereby, authorized to donate, if it thinks proper so to do, the sum of five hundred dollars, out of any money it has, towards the construction of a macadamized road from Junction City to Shelby City, in said county, upon the condition that said road shall be in lieu of the county road between said cities, and said cities agree and bind themselves to keep perpetually in repair said road after the same is macadamized.

§ 2. This act shall take effect from and after its passage.

Approved February 25, 1884.

CHAPTER 228.

AN ACT to repeal an act, entitled "An act to amend the road laws of Carter and Elliott counties," approved March twenty-nine, one thousand eight hundred and eighty two

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend the road laws of Carter and Elliott counties," approved March twenty-nine, one thousand eight hundred and eighty-two, be, and the same is hereby, repealed, and the road law provided in the General Statutes is hereby re-enacted for the benefit of said counties.

§ 2 This act shall take effect and be in force from and after its passage.

Approved February 25, 1884.

CHAPTER 230.

AN ACT to legalize certain acts and orders of the Simpson county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the orders of the Simpson county court made in relation to the new court-house, and made in relation to borrowing money from J. L. McGoodwin and Company, to build and furnish and fence the said new court-house, be, and the same are hereby, declared and made valid, legal, and binding in law, to all intents and purposes, as if the same had been made and done in pursuance of express authority of law.

§ 2. This act shall take effect from and after its passage.

Approved February 25, 1884.

CHAPTER 231.

AN ACT to incorporate the Kelnper Lane and Sugar Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and the same is hereby, created a body-politic and corporate, under the name and style of the

Kemper Lane and Sugar Creek Turnpike Road Company, in Garrard county, Kentucky; and by said name shall have perpetual succession, with power to contract and be contracted with, sue and be sued, to have and use a common seal, and to have and exercise all other powers given to turnpike road companies by the general laws of the State of Kentucky.

§ 2. That said corporation is hereby authorized to construct a turnpike road, on the macadamized or gravel plan, to commence at a point at the mouth of a lane at or near Mrs. Kemper's, in Garrard county, where said lane strikes the Danville, Lancaster, and Nicholasville turnpike road; thence with the general route of said lane to a point where it intersects with the Bryantsville and Sugar Creek Turnpike Road at or near Bourne's store.

§ 3. That in the construction of said road on the route designated in the last section, the president and directors of said company shall have the power to change the location of said road, between the termini designated in section two, from the general route of said lane, when in their judgment they may deem such alteration best.

§ 4. Henry Dunn, Mort Robinson, T. T. Pollard, T. L. Broaddus, Robt. Collier, and Jno. W. Dunn, are, and they are hereby, appointed commissioners, any two of whom may open books for subscription of stock to said company; and the obligation of subscribers to said company shall be binding on them, when they shall subscribe their names to the following obligation on said books: "We, whose names are hereunto subscribed and affixed, promise to pay to the Kemper Lane and Sugar Creek Turnpike Road Company the several amounts set opposite our names, at such times and in such sums as is required of us by the directors of said road company. Given under our hands this, the — day of —, one thousand eight hundred and eight—."

§ 5. The capital stock of said road shall not exceed twenty-five hundred dollars for each mile of said road, nor in the aggregate of ten thousand dollars, which may be increased by the president and directors of said road to not exceeding fifteen thousand dollars, which capital stock shall be

divided into shares of fifty dollars each. Subscriptions may be made to said company in real estate, rock, timber, or other property, and the amount in value of such subscription shall be expressed in the subscription, and shall be binding; and if such property is not surrendered or delivered to the company on the route of said road designated by said company on demand, the value thereof as expressed in the subscription may be recovered from such subscriber in money by suit.

§ 6. Whenever the sum of one thousand dollars shall be subscribed in stock to said company, the commissioners hereinbefore named, or any two of them, may call a meeting of such subscribers, to be held at such time and place as they may designate, and at such meeting a president and four directors of said road company shall be elected for the period of one year, and until their successors are elected and qualified; at such election the owner of each share of stock in said company shall be entitled to one vote, which shall be cast by himself in person or by any share-holder of stock in said company who has a written proxy. A majority of the directors of said company shall constitute a quorum to transact the business of said company. The directors and president of said road shall elect a treasurer, whose term of office shall continue one year, and until his successor in office is duly elected and qualified.

§ 7. The said president and directors shall have power, and are hereby authorized, to pass and enact by-laws, rules and regulations, for their own government, and for the government of the affairs of said company and its officers, not inconsistent with this act, or inconsistent with the Constitution or general laws of the land.

§ 8. The width of the artificial road shall not exceed forty feet, and the width of the gravel, stone, or macadamized portion shall not exceed fourteen feet; the depth of the gravel, stone, or macadamized portion of said road shall be on an average of ten inches from side to side, and on all other matters of the construction of said road the president and directors thereof shall govern and control the same.

§ 9. In the construction of said road the president and directors shall appoint all such superintendents, engineers, surveyors, and officers as they, in their judgment, may deem necessary, and fix their salaries and wages, and remove them at pleasure; to provide the time, manner, and proportions in which stockholders shall make payments on their subscriptions to carry on said work; to make contracts for the construction of said road by the mile or any portion thereof; to draw orders on the treasurer for all money necessary to pay for work on said road, and to do all such matters and things as by this charter and the by-laws of said company they are authorized to do.

§ 10. That said company shall have the power to acquire the right of way and quarries and land for toll-houses and toll-gate purposes, and for any other purpose necessary in constructing said road by contract and agreement with parties, or in the manner now provided for by the law of the land. They may charge tolls on said road at a rate not exceeding that now allowed to be charged by law, for every five miles of said road when completed, or in the same proportion for every fractional part less than five miles; and for this purpose, when one mile of said road is completed and accepted, they may erect thereon a toll-house, and collect tolls as herein provided.

§ 11. That the county court of Garrard county may subscribe, and the same is authorized and empowered to subscribe, stock in said road company, not exceeding one thousand dollars per mile, to construct said road, payable to said road on the completion and acceptance of each mile of said road; and said court is authorized to levy and collect an ad valorem tax, on all the property in Garrard county subject to taxation for State revenue and county purposes, to pay said subscription, which tax shall be collected and accounted for by the sheriff of Garrard county, in the same manner and at the same time he is by law required to account for and pay over the county levy, except that said tax shall be by said sheriff paid over to said road company or its authorized agent, when so directed by the county court of Garrard county. Said sheriff, for collecting said

tax, shall receive the same per cent. thereon for its collection as he is now allowed for collecting county revenue, which cost shall be provided for by said county court in its subscription, and an ad valorem tax levied for it in the same manner as for the subscription. Said sheriff shall be liable on his official bond for the collection and payment of said tax.

§ 12. That the treasurer, before entering on the discharge of his duties, shall execute to said road company a bond, in any sum the president and directors may require of him, with good security, for the faithful performance of the duties of said office of treasurer of said company; and further, that he will account for all moneys received by him as such treasurer; said treasurer shall pay out no money unless so ordered by the president and directors of said road, which order must be shown by the records kept by said president and directors, an attested copy of which order shall be delivered to said treasurer.

§ 13. That the president may call a meeting of the directors at such times and places as he may deem proper; they shall keep a record at each meeting of their proceedings in a book provided for that purpose. The board of directors may, in their discretion, allow the president and treasurer of said company a reasonable compensation for their services, said compensation to be made at the end of each year, or at such yearly election, and not afterwards.

§ 14. At any time when one mile or more of said road is completed, the judge of the Garrard county court shall, by the president of said company, be notified of the fact, and thereupon said judge of said court shall appoint two of the justices of the peace of said county a committee to examine said road, and report construction and condition of such as completed, and the manner of construction, which report shall be made in writing to the Garrard county court in the presence of the justices of said court or a majority thereof; and if said report is approved by said court, it shall be entered as a matter of record by said court; and said road so reported on shall then be declared to that extent completed and opened for travel, and the subscription of

said county to said finished portion of said road shall be due and payable.

§ 15. The president and directors of said road company first chosen shall deliver a certificate of stock to each stockholder for the stock subscribed by them; said certificate shall be signed by the president, and shall be transferable on the books of the company. No certificate of stock shall be issued until the full amount due by the subscriber applying for same shall be paid to the company.

§ 16. All the officers of said company shall be stockholders of same; and after the first election of officers as herein provided for, no one shall be eligible to the office of president, director, or treasurer who has not paid the full amount of stock due by him, provided the same has been demanded of him.

§ 17. All dividends of said road and tolls received on same shall be applied to the construction and in aid of said road, collecting tolls and building toll-houses, until the said road is complete and in good order, and after this, the net profits thereof shall be prorated semi-annually among the stockholders.

§ 18. This act shall be in force from and after its passage.

Approved February 25, 1884.

CHAPTER 232.

AN ACT for the benefit of the Fleming County Infirmary for the support of the poor of said county, and work-house and house of correction therewith.

WHEREAS, The present system authorized by the general laws of the Commonwealth of Kentucky, for supporting, maintaining, and providing for the poor, as also for the correction and punishment by imprisonment in the county jail at the expense of the county, for the commission of penal offenses against law and morality, are becoming an onerous burden to the tax-payers of the county of Fleming, with an annual tendency to encourage pauperism and a violation of law, and annually increase instead of diminish the same; and

whereas, it is desirable to adopt measures of relief against the burdens thereof, by the adoption of a system self sustaining as far as practicable, whereby said county may receive a remuneration, in whole or in part, for the expenses incurred by reason of the support of paupers and for the annual outlay imposed by law in the punishment of public offenders and their support while confined therefor in the county jail of said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of the poor-house of Fleming county is hereby changed, and shall hereafter be known and designated under the name and style of the Fleming County Infirmary.

§ 2. That the county court of claims of Fleming county is hereby empowered to sell the poor-house property now held and owned by said county, and purchase a more accessible, desirable, and comfortable home for the poor of said county, including a tract of land connected therewith, the original cost of which, including all the improvements that shall be erected thereon, exclusive of interest, shall not exceed the sum of (\$20,000) twenty thousand dollars, and upon which they may erect a county infirmary for the benefit of the poor of said county, and also in connection therewith a work-house and house of correction for the punishment and correction of offenders against law and morality.

§ 3. That the said court of claims is hereby empowered and authorized, a majority of the justices of said court concurring therein, at as early a date after this act takes effect as they may deem to be to the best interest of said county, to levy an ad valorem tax upon the taxable property of said county authorized by law to be taxed for county and State purposes, sufficient to pay the purchase price of said farm, and the accruing interest thereon, in such installments as they may deem best, and for all necessary improvements to be made and put thereon for the purpose of carrying into effect the objects and purposes of this act; and which taxes, when collected, shall be set apart and exclusively devoted to the object and purposes aforesaid: *Provided*, That the pro-

ceeds of the sale of the poor-house property, now owned and held by said county, shall be applied by said court to either the purchase of said farm, or the improvements thereon, or both, as may be deemed by them best. The entire levy, exclusive of interest and costs of collection, not to exceed the sum of twenty thousand dollars.

§ 4. That the court of claims of the county of Fleming, a majority of the justices thereof concurring therein, is authorized and empowered to execute, or cause to be executed, the several obligations of said county for the payment of said purchase money, to bear interest, payable annually, at a rate not exceeding six per centum per annum from their date until paid; said obligations to be payable in such sums and at such times as may be agreed upon between the contracting parties, not to exceed the term of five years from the date thereof, and shall be executed, in printed form, under the seal of the county court, signed by the judge of the said court, and countersigned by the clerk thereof; and shall be a lien on said land for the payment thereof; and shall be transferable, and may be put in suit, and said lien enforced against said county by the holder or holders thereof, as notes for the payment of purchase money for lands are now by law enforced; and it shall be the duty of said county court of claims to provide for the payment of said obligations and accruing interest at maturity, by levying a tax therefor as provided in section two of this act.

§ 5. The taxes provided for by this act shall be collected by the sheriff of Fleming county in the same manner, and under the same legal obligations, and for the same pay, as now provided by law for the collection of State and county revenues; and he shall be responsible for the collection and payment of the same according to law on his county levy bond, except that said taxes shall be collected and paid over on or before the first day of January in each year to a receiver to be appointed by the county court of claims for Fleming county for that purpose, and who shall, under the orders of the directors hereinafter named, pay the same first, in discharge of the interest due upon said obligations of the county, and the remainder, if any, to the payment of the

principal thereof, and for which said receiver is to have one per cent. on the amount paid out.

§ 6. For the purposes of this act, as far as the said county infirmary is concerned, and the poor of said county, any person or persons, including every indented servant or apprentice legally brought into the county of Fleming, who shall have served his or her master or mistress one year in said county, excepting as herein otherwise provided, who shall have resided one year in the county of Fleming next previous to the action in his or her behalf by the county court under the provisions of this act, for admission to said infirmary, shall be considered as having gained a legal settlement in said county, and not otherwise: *Provided*, That nothing in this act shall be construed to release said county of Fleming from its legal obligations to support any person or persons removing from said county until such person or persons shall have gained a legal settlement in the meaning of this act in the county to which such person or persons shall have removed: *Provided further*, That any such person or persons, having gained a settlement in, and thereafter removing from said county of Fleming to any other county in this State, shall not thereby lose his or her settlement, if he or she shall return and take up residence again in said county of Fleming within the period of one year from the date of said removal, unless he or she shall have acquired a legal settlement in such other county during the period of such removal, or shall have voluntarily, without legal authority, left said infirmary and removed to such other county; in which latter case, he or she shall forfeit his or her settlement in the said county of Fleming.

§ 7. A legal settlement within the meaning and contemplation of this act shall consist of one year's residence in the county of Fleming next previous to the motion in the county court to provide a support for such pauper or paupers. But no residence of a pauper while a public charge, or who shall remove to the county of Fleming for the purpose of becoming a public charge, shall gain for any such person a residence or legal settlement in said county for the purposes of this act, as far as said infirmary is concerned.

§ 8. No person or persons who shall remove into said county of Fleming for the purpose of becoming a public charge thereon, shall gain a legal settlement in said county so as to entitle him or her to the benefits of said infirmary.

§ 9. The county court of Fleming county, or the presiding judge thereof, shall afford relief or support to any person or persons in said county not having a legal settlement therein, when it appears, upon satisfactory proof heard, that such relief or support is absolutely needed, by remanding such person or persons to said infirmary, there to be received and provided for as long as said county court or presiding judge shall direct: *Provided*, It should be found inexpedient or impracticable to remove such person or persons to said county infirmary, then the directors thereof shall keep an accurate account of all moneys expended by them in the support of all such persons, and certify such account, with the vouchers for the same, to the court of claims of said county, who shall cause the amount so expended to be paid of funds belonging to said county, and in such case said directors shall not be required to move such persons to said infirmary: *Provided further*, Said directors may remove any person or persons becoming a charge upon said county and have no legal settlement therein, to that county or State wherever such person or persons have a legal residence or settlement, unless such person or persons shall give sufficient security to fully indemnify said county on account of said charge and all its incidental expenses.

§ 10. Upon complaint being made to the county court of said county, or the judge thereof, in term or in vacation, that any inhabitant of said county, having a legal settlement therein, is in a suffering condition, and requires public assistance or support, said court, or the county judge thereof, shall inquire into the condition and necessities of such person, and if satisfied, upon proof heard in open court, that such person ought to be relieved at public expense, shall order the directors of said infirmary, or the superintendent thereof, to receive and provide for such person; and shall accompany said order, entered of record, and attested by the clerk of the county court, by a statement of facts, setting

forth the name, age, birth-place, length of residence, previous habits, and present condition of the person claiming to be a pauper; and no person shall be admitted as a pauper unless upon such order or warrant; but if the directors of said institution, or the superintendent thereof, shall have knowledge of facts not before said court or judge, and which, if known, such person or persons would not have been declared paupers, then such person or persons shall not be received or provided for until such facts are reported to such court or judge and acted upon; and said facts shall be reported immediately to said court or judge upon their coming to the knowledge of the said directors or superintendent.

§ 11. In all cases, when it is not inexpedient or impracticable to do so, any person in Fleming county actually in a suffering condition, or who requires public assistance or support, having been first adjudged a pauper entitled to such relief as provided in the next preceding section, shall be removed to said county infirmary; but in cases where the county court, or the judge thereof, shall deem it impracticable or inexpedient to remove such person or persons to said infirmary, said court, or judge in vacation, may grant relief to the same, to be paid out any unappropriated money belonging to said county.

§ 12. In so far as said county infirmary and work-house, and house of correction, shall fall short of being self-sustaining, and to provide for the wants of the poor of Fleming county to meet said deficiency and the necessary expense of maintaining said infirmary, the county court of claims of said county may levy a tax sufficient upon the taxable property of said county, as part of the annual county levy thereof, to be collected in the same manner, and by the same person, and under the same liabilities, as sheriffs are or may be required by law to collect and account for county and State revenues.

§ 13. There is also hereby established, in connection with said county infirmary, and upon said county farm, and under the superintendence and control of the board of directors and superintendent hereinafter named of said infirmary, a

work-house and house of correction for the punishment and reformation of offenders against law, order, and public morality, in Fleming county; but the same shall, as far as practicable, be separate and distinct from said infirmary and house for the poor, and subject to separate rules and regulations; and it shall be lawful for the board of directors of said infirmary to, and they shall, receive into said work-house and house of correction, and under the care and guardianship of the directors of said infirmary and the superintendent thereof, all persons ordered to said work-house and house of correction by the proper authorities, and belonging to one of the following classes:

First. Where an infant, under the age of sixteen years, who, by reason of incorrigible or vicious conduct, has rendered his or her control beyond the power of the parent, guardian, or next friend of such infant, and has made it manifestly requisite that, from regard for the future welfare of such infant, and for the protection of society, he or she should be placed under the guardianship and control of said directors, upon complaint and due proof thereof, before the county judge, said infant may be ordered to the work-house and house of correction of said county.

Second. Where an infant, under the age of sixteen years, is guilty of vagrancy, or of incorrigible or vicious conduct, and from the moral depravity or otherwise of the parent, guardian, or next friend, in whose custody said infant may be, and if such parent, guardian or next friend be incapable or unwilling to exercise the proper care and discipline over such incorrigible or vicious infant, in such case, upon complaint and due proof thereof to the county court, or judge of said county, such infant may be ordered to said work-house and house of correction.

Third. Where an infant, under the age of sixteen years, is destitute of a suitable home, and of adequate means of obtaining an honest living, and is also in danger of being brought up to lead an idle and immoral life, such infant, upon complaint and due proof before the county court, or presiding judge thereof, may be ordered to said work-house and house of correction: *Provided*, That in either of the

above specified cases, when the county court or judge shall order such infant to such work-house and house of correction, he or she shall not be ordered there for a less period than one year, nor for a greater period than until such infant shall obtain majority, which, in case of males, shall be twenty-one, and in case of females, eighteen years of age.

Fourth. Any infant in said county, under the age of sixteen years, who shall, under existing laws, or those hereinafter enacted, be held liable to confinement in the county jail or State Penitentiary, or to be fined for a penal offense by any of the courts of Fleming county, may, at the discretion of such court or magistrate giving sentence, be placed in said work-house and house of correction at hard labor, under the exclusive control and guardianship of said directors until twenty-one years of age, if male, and eighteen years of age, if female, or for a period not less than one year.

Fifth. All infants in Fleming county, under the age of sixteen years, who may be accused and found guilty, before a grand or petit jury, of any offense punishable with imprisonment in the county jail or State Penitentiary, or by fine and imprisonment, or either, may, upon the recommendation of such jury, or in the discretion of the court or magistrate rendering sentence, be ordered to said work-house and house of correction; and the court may order at what kind of labor said infant shall be confined, and the manner thereof, for a period of not less than one year nor more than the majority of such infant; if male, twenty-one; and if female, eighteen years of age.

Sixth. If any person in Fleming county is found guilty of petit larceny, the court or judge rendering sentence may order such person to the work-house and house of correction, there to be kept at hard labor; in case of male, not less than one month, nor more than twelve months; and in case of females, not less than thirty, nor more than ninety days.

Seventh. All persons who, for offenses committed against the laws of this State, or of any municipal corporation in the county of Fleming, are sentenced to punishment for no greater period than one year by confinement in the

county jail, or by fine not greater than two hundred dollars, or both to fine and imprisonment in the county jail not greater or longer than the above, and said fine is not paid or replevied after the finding of guilt, may, by the court rendering sentence, be ordered to the work-house and house of correction for a period of not less than one month nor more than one year, there to be kept at hard labor; but in either case, the same shall be entirely in the discretion of said court or magistrate, whether such person shall be ordered to said work-house and house of correction.

Eighth. All persons in Fleming county, guilty of the crime of vagrancy under the general laws of this State, instead of being sold or apprenticed as now required by law, if found guilty, may, by the court rendering sentence, in its discretion, be ordered to said work-house and house of correction, to be kept at hard labor until majority, as hereinbefore provided in case of infants, and in case of an adult, for a period of twelve months: *Provided*, If said adult have a wife and infant child or children dependent upon him for support, the reasonable value of his services in said work-house shall be paid over monthly by the directors or superintendent thereof to said wife and children, and for their benefit.

Ninth. All females in Fleming county found guilty of open lewdness, public immorality, or of prostitution, before any court of competent jurisdiction in the county of Fleming, may be ordered by said court to said work-house and house of correction, there to be confined at such hard labor as such court may direct, for a period of not less than one month nor more than one year. Such complaint and proof may be heard, and conviction had, by the judge of the county court or justice of the peace, in term time or in vacation, in such cases of which jurisdiction is conferred upon them by law.

§ 14. If any able-bodied female, who has been or is about to be delivered of a bastard child, or any other person, whether male or female, laboring under temporary disability from sickness or other cause, who may, under section ten of this act, be entitled to temporary relief in said institution

and committed thereto, it shall be lawful to detain such person or persons in the custody of the superintendent of said institution after the removal of such physical disability, at labor at a reasonable compensation, until the proceeds of such labor shall equal the cost and expenses incurred by said institution on behalf of such person or persons during such temporary disability, including board, medical attention, and all extra care and attention, and other incidentals; and for that purpose the superintendent may employ such person or persons at labor, either in or outside of said institution, in which latter case the wages of such person or persons shall be paid by the employer to said superintendent, and by him accounted for to the court of claims.

§ 15. Whenever such offenders against law and public morality, as have been heretofore designated, shall be ordered to said work-house and house of correction by any court or other proper authority of said county of Fleming, in all such cases the superintendent of said institution shall be liable for the custody and safe-keeping of such offenders in said institution until the period of their several punishments shall have expired, in the same manner, and to the same extent, that jailers of this Commonwealth are held liable as such custodians under the general laws of the State of Kentucky; and it shall be lawful for said superintendent, by the authority of said directors, to use and employ the same means, if necessary, that jailers are authorized by law to use and employ for the same custody and keeping of such offenders.

§ 16. At any meeting of the court of claims of said county after the passage of this act, and annually thereafter, said court shall appoint five judicious persons, at least three of whom shall be of their own number, who shall form a board of directors, and shall take charge of and manage said county infirmary and work-house, and house of correction in connection therewith, according to the provisions of this act, and according to such rules and regulations as they may adopt, and the Fleming county court of claims may order, not contrary to law. And the said directors so appointed shall, previous to their entering on the duties of their appointment,

take an oath or affirmation before the county judge or clerk faithfully to discharge the duties of their office, and shall continue in office one year, and until their successors are appointed and duly qualified. Said board of directors may appoint a clerk of their own body, whose duties shall be defined by the board. And if a vacancy shall occur in the board of directors, the county judge shall appoint some suitable person or persons to fill such vacancy until the next succeeding annual meeting of the court of claims of said county: *Provided*, The said court of claims may, as soon as practicable after the passage of this act, make such temporary appointment as may be necessary until the next succeeding annual meeting of the said court of claims.

§ 17. A majority of said board shall constitute a quorum for the transaction of all business; and said board shall be a body-corporate and politic, with perpetual succession, and shall be known by the name of the board of directors of the Fleming County Infirmary, and by that name they may sue and be sued, defend and be defended, in any court in this State; they may make all such contracts and purchases as may be necessary for the institution; and they may prescribe such rules and regulations, as may also the county court of claims, as may be necessary, from time to time, for the management and good government of said institution, both infirmary and work-house, and house of correction, and for introducing the practice of sobriety, morality, and industry among its inhabitants; but any such rules and regulations adopted by said board of directors shall be subject to repeal or change by the annual court of claims of said county. Said board and said court may adopt such modes of discipline as may be necessary for the management and good government of said institution, and the enforcement of all duties required at the hands of the inmates thereof, or those under the charge, care, and custody of said institution; but any mode of discipline adopted by the board shall be subject to repeal or alteration by said court of claims. And all rules, regulations, and by-laws adopted by said board for the regulation, management, government, discipline, control, or conduct of said institution, or any of the departments thereof,

shall, immediately upon their adoption by said directors, together with any repeal, modification, or change thereof, be filed with the clerk of the Fleming county court, subject to approval, repeal, or change by the said court of claims; and when the same shall be approved by said court, they shall be recorded by said clerk in a book to be kept for that purpose, and for which services the clerk shall be allowed a reasonable compensation, to be paid of the county levy; and a record of all of which proceedings shall be kept by the clerk of the board of directors. The said board of directors shall meet quarterly at said infirmary on the first Monday in March, June, September, and December of each year, and the president of the board, or upon his failure or refusal so to do, the county judge, may call a special meeting thereof at any time it may be deemed by them or either of them necessary.

§ 18. It shall be the duty of the county judge to certify to the directors of said infirmary and work house and house of correction, immediately upon the execution thereof, all obligations and other evidences of debt issued and executed by the county court, under and by authority of this act, for and on account of said infirmary and work-house and house of correction, and tract of land connected therewith; and said directors shall keep a faithful register thereof, in the order in which they shall become due, showing the date thereof, to whom payable, when due, the amount thereof, the rate of interest on each, the date and amount of each credit, and to whom paid, and if assigned or transferred, to whom, and any and all other facts necessary to a ready and correct knowledge of the liabilities of the county on account of said institution.

§ 19. The said board of directors may recommend, but the court of claims of said county shall appoint, a superintendent of said institution, whose term of office shall be two years, and who shall reside in some apartment of the infirmary or other building contiguous thereto, but on said county farm, and perform all the duties prescribed for him by the directors and court of claims, and give such security for their faithful performance as the said court of claims shall judge

proper ; and shall receive such compensation as the court of claims may deem reasonable and just. He shall be governed in all respects by the rules and regulations adopted by said board of directors and by said court of claims; and for any failure to discharge the duties imposed upon him by such rules and regulations or otherwise required of him by this act, and for any failure to comply with the terms of any and all contracts made with him by said directors relating to his superintendence of said institution, he may be removed upon complaint of said board of directors, by said court of claims, at any regular or called term thereof ; but in no case shall said board of directors, or said court of claims, appoint one of their number superintendent ; and in the event of the removal of such superintendent from office during the vacation of said court, the said court of claims, at the time of such removal, shall appoint another superintendent; and in case a vacancy occurs during vacation, from any other cause than removal, said board of directors shall have power to appoint such other superintendent until the next succeeding annual term of the court of claims, unless sooner called together for some other purpose. Nor shall any director or member of said court be eligible to hold any office except that of director aforesaid, directly or indirectly, in the infirmary or work-house or house of correction, or receive any compensation whatever as physician in either, directly or indirectly, wherein the appointing power or authority to recommend is in the members of said board or said court by this act, or any acts that may be passed amendatory thereto. Nor shall the superintendent thus appointed hold any other post in the infirmary or work-house and house of correction.

§ 20. The superintendent may require all persons received into the infirmary to perform such reasonable and moderate labor as may be suited to their ages and bodily strength, the proceeds of which shall be appropriated to the use of said institution, in such manner as the directors may appoint in vacation or said court may appoint at its regular or called terms; but said superintendent shall in no case work said inmates, or cause them to labor a greater length of time in

any case than may be reasonably suited to the age and bodily strength of said inmates, though that may be to perform no labor at all.

§ 21. In case of persons received into said work-house and house of correction, hard labor shall be required of them by said superintendent and board of directors, but not greater in length than ten hours nor less than eight hours per day, but at such labor and in such manner as said superintendent and said board, or the authorities legally authorized to order and ordering them there may direct; and when not employed at hard labor, shall be securely confined in said work-house, or some apartment thereof, unless said directors or superintendent, in their discretion and liability as hereinbefore named in the cases of infants or females inmates thereof, may otherwise permit. The said superintendent shall receive into said infirmary all persons who shall produce, or for whom shall be produced, to him, such an order or voucher as hereinbefore described. But in no case shall he receive into said work-house and house of correction any person or persons except upon the order of said directors or some member thereof; and said superintendent shall enter in a book to be provided by him for that purpose, and so kept and open to the inspection of said directors, the name and age, as near as may be, of every person received into said infirmary or into said work-house and house of correction, together with the day on which such person was received and dismissed; and in the case of those received into the work-house and house of correction, for what offense sent there, by whom and for how long. He shall also enter in said book a full account of all labor performed in and about said institution, and the value thereof, and by whom performed, and what kind of labor; and shall also keep an accurate expense account by the month of said institution, which shall be entered in said book.

§ 22. It shall be the duty of the superintendent and board of directors of said infirmary and work-house and house of correction to provide comfortably for all the poor of Fleming county received into said institution, by treating them humanely, and furnishing them with neat, cleanly, and com-

fortable sleeping apartments, good and comfortable clothing suitable to the season, and good and wholesome diet, enjoining upon them strict cleanliness and neatness in their persons and apartments; and they may and shall adopt such rules and regulations as shall keep the whole premises neat and cleanly and free from any nuisance; and they shall have power to compel the inmates thereof, such as are able to labor, to perform such labor as is hereinbefore indicated. And in the work-house and house of correction for the inmates thereof, they shall make and enforce such strict rules and regulations, as to mode of labor and punishment of offenders, as shall best carry out the objects and intents of the law for the punishment and reclamation of offenders against law and public morality committed to their charge by the proper authorities; and in both departments, both the infirmary and the work-house and house of correction, both while at labor and at night, males and females shall, as far as possible and necessary for carrying into effect the object and intents of this act, be kept separate from each other.

§ 23. All the profits of the labor of said infirmary and work-house and house of correction, and all profits in any other respect derived from said institution, shall be faithfully appropriated by said board of directors and the Fleming county court of claims to the relief and comfortable support of the poor of Fleming county; and after these expenses are fully met, and the debt or debts created therefor are fully paid, the remainder, if any, shall be paid over by the authorities of said institution to such person or persons authorized by said court to receive the same, and be subject to such appropriation as may be made thereof by said court for the use and benefit of said county.

§ 24. The board of directors shall cause the infirmary and work-house and house of correction to be visited at least once in every month by a committee of their body, which committee shall carefully examine into the condition of the paupers, the manner in which they are fed and clothed, and otherwise provided for and treated, and what labor they are required to perform by the superintendent. Said committee shall also at the same time, and as often, carefully examine

into the condition of the work-house and house of correction, and inmates thereof, and how they are kept and treated, fed, clothed, and what kind and amount of labor they are required to perform by the superintendent, and ascertain the monthly expenses and outlays of the same; and also inquire generally and specially into the management and conduct of said farm, and shall make a full report thereof at the next meeting of the board of directors in writing.

§ 25. The board of directors shall annually make a full and accurate report, in writing, to the county court of claims, and as much oftener as may be required, accompanied with correct and proper vouchers of the state and progress of said institution, with all their proceedings, contracts, disbursements, and expenses in support of the poor or otherwise, and also a full showing of the proceeds of the labor and otherwise of said institution and county farm for the past year, and how much, if any, said institution falls short of being self-sustaining, and how much, if any, over and above its self-sustenance; and they shall also report at the same time, and as much oftener as necessary, any poor children in said infirmary who ought to be apprenticed outside of said institution, and in such case the county court may apprentice the same as now required by law.

§ 26. The directors herein specified shall be allowed for their services under this act such sum as may be deemed reasonable by the court of claims, not exceeding one dollar and a half per day for every day they may be necessarily employed in the duties of their appointment, to be paid to them of the proceeds of said institution, or of the county levy of Fleming county each year; and for said services they shall make a full itemized report, accompanied with the vouchers therefor, and swear to the correctness of the same.

§ 27. All gifts, grants, devises, and bequests that now are, or may hereafter be, made of houses, lands, tenements, rents, goods, chattels, sum or sums of money to the poor of Fleming county, or for their benefit, by deed, gift, or by the last will and testament of any person or persons or otherwise, shall be good and valid in law, and shall pass such houses and lands, tenements, rents, goods, chattels, and so

forth, to the county court of claims of Fleming county, and their successors in office, for the benefit of the poor of said county, under such regulations as shall be made by law from time to time.

§ 28. In cases where persons are admitted into said county infirmary as paupers, and such persons be possessed, or the owners of property, whether real or personal, or having an interest in the same in reversion or remainder, or in any other manner, or legally entitled to any gift, legacy, or bequest of whatever nature or kind soever, the directors may, as soon after such persons are admitted to said infirmary as they may think proper, take possession of all or any of such property or other interest such pauper may be legally entitled to, and sell or dispose of the same as hereinafter provided; and the net proceeds arising therefrom shall be applied, in whole or in part, under the special directions of said directors, and in such manner as they may think best, to the maintenance of such person during his or her continuance as a pauper in said infirmary: *Provided*, That if the labor of such pauper at said infirmary, while he or she is an inmate thereof, shall be sufficient to maintain him or her, either in whole or in part, in the judgment of said board, then, in that event, when discharged, or leaving said infirmary, if said property has been sold, such pauper shall receive the balance of the proceeds of said sale and interest thereon, after deducting the costs of keeping said pauper in said infirmary, and allowing him or her the reasonable value of his or her labor therein.

§ 29. Upon the death of any pauper in said infirmary, or who shall otherwise leave or be lawfully discharged therefrom, whose property shall have been disposed of as provided in the last section, and the proceeds thereof applied as provided therein, and if there remain, at the time of such death or leaving, a balance due and in favor of such pauper on the books of said institution, where an account of the proceeds of such sale shall be kept, such balance shall be repaid by the directors or any authorized officer to such pauper or other person legally authorized to receive the same.

§ 30. When said board of directors shall desire to sell any real estate under the provisions of section twenty-eight of this act, they shall file a petition for that purpose in the Fleming circuit court, and the proceedings thereupon shall be, in all respects, conducted and governed in conformity to the practice and statutory provisions regulating the sale of infant's real estate by guardian under the laws of Kentucky.

§ 31. The term "legal settlement" in this act has application alone to the poor of Fleming county and to said infirmary, and not to the work-house and house of correction, or to any one who may be received therein; and the term "county court," when not expressed as the court of claims, or referring thereto, has application to the county judge acting at the regular monthly terms or called terms during vacation.

§ 32. Said infirmary, work-house, and house of correction shall not be located nearer to the city of Flemingsburg than the distance of two miles, and not more than five miles from the court-house.

§ 33. Chapter eighty six of the General Statutes of Kentucky, which went into effect December first, one thousand eight hundred and seventy-three, entitled "Poor and Poor-houses," shall have full force and effect as law in Fleming county, except in such cases as the provisions of said chapter shall be in conflict with the provisions of this act; and to that extent, so far as said Fleming county is concerned, the same is hereby repealed: *Provided*, That whenever the court of claims of Fleming county shall proceed to avail themselves of the benefits of any of the provisions of this act, then, from and after that date, this act shall be the law in force in said county of Fleming.

§ 34. This act shall not take effect until it is ratified and approved by a majority of the legally qualified voters of the county of Fleming, voting at the regular election; and the judge, sheriff, and clerk of said county shall prepare a poll-book, and have this act referred to the legally qualified voters of said county at the regular county election in August, one thousand eight hundred and eighty-four, and shall give notice, posting conspicuously at each voting pre-

cinct in the county, a printed bill containing the title of this act, and the provision of its passage, at least ten days' previous to said election, and such other notice as they may deem proper; and if a majority of the legally qualified voters voting at such election vote for this act, it shall thereafter be in full force and effect; and the poll-books shall be compared and returned by the same officers, and at the same time other poll-books are compared and returned, as provided by the General Statutes.

Approved February 25, 1884.

CHAPTER 233.

AN ACT to authorize the Boyle county court to levy and collect an ad valorem tax to pay the ordinary expenses of the county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the county court of Boyle county be, and said court is hereby, authorized to levy annually, for two years, an additional tax on all the taxable property of Boyle county, not exceeding in any one year ten cents on the one hundred dollars' worth of said property, to enable said county to pay its ordinary expenses.

§ 2. This act to be in force from and after its passage.

Approved February 25, 1884.

CHAPTER 234.

AN ACT to incorporate the city of Cloverport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whereas, by an act of the General Assembly of the Commonwealth of Kentucky, approved on the eleventh day of February, anno domini one thousand eight hundred and sixty, the town of Cloverport was incorporated; and whereas, to said act of incorporation a preamble expressive of an agreement of the citizens of said town, which was in words as follows, to-wit: "Whereas, the citizens of the corporations of Cloverport and Lower Cloverport deem it

highly important to their interest and welfare as a people that the said towns of Cloverport and Lower Cloverport should be incorporated under one town charter; and whereas, the town of Lower Cloverport greatly exceeds in population the town of Cloverport: it is hereby understood and agreed between the citizens of the respective corporations that the said town of Cloverport shall be allowed to retain certain rights and privileges, as hereinafter set forth under this charter, which it enjoys under its present charter, and that the said rights and privileges shall be embodied in and made a part hereof: First, that the corporation of Cloverport shall be allowed to retain under this charter all the wharfing privileges it is now possessed of, with the right to apply all the revenue from taxation within its present corporate limits to the improvement of that portion of the corporation known as Cloverport; also the right to retain the post-office and district election polls and the seminary; and should at any time the citizens of the town hereby incorporated seek to amend this charter, in any manner affecting or interfering with the above-named rights and privileges, then the corporation heretofore known as Cloverport shall have the right and authority to resume the charter held by it previous to this act; therefore, it is enacted that said preamble, and the provisions and agreements thereunder, is continued in force, and it is not intended, and this act does not interfere with or affect said preamble and conditions thereof, but said preamble and agreements are to apply to the city of Cloverport as incorporated under this act.

§ 2. That the persons residing in the present limits of the town of Cloverport, to-wit., all that portion originally incorporated as Upper Cloverport, with the addition subsequently made to the same by Col. D. R. Murray; also all that portion originally incorporated as Lower Cloverport, with the Haddock and Hazeltine enlargement of the same, are hereby created a body-politic and corporate, by the name of the "City of Cloverport;" and by that name may have perpetual succession, may sue and be sued, plead and be impleaded, contract and may be contracted with; may have and use a common seal, and alter and change or renew it at pleasure,

and generally have and enjoy all the powers and privileges, and be liable to all the duties and obligations of like municipal corporations.

§ 3. Said city is hereby invested with all the property, powers, rights, and authority heretofore conferred by law on said town of Cloverport, or the trustees thereof, and is substituted in every respect for the said town of Cloverport; and said city shall be bound by all contracts, and be liable for all debts and demands of and against said town, to the same extent and in the same manner as said town may, might be, or is liable; and all suits in favor of or against said town may be prosecuted in the name of or against said city as effectually as they could have been for or against said town, or the trustees thereof, and had this act not been passed.

§ 4. Said city is hereby divided into two (2) wards, as follows : The first ward shall include all that part which lies above or east of the center of Clover creek, and the center of Clover creek along the course thereof shall be to where same intersects and crosses the back or southern line of said city, the lower or western boundary of said first ward. The second ward shall include all that part lying below or west of the lower or western line of the first ward as designated by Clover creek as before set out, and the council is hereby authorized to change the boundaries of said wards as the public convenience may require at any time, except within thirty days of a city election.

§ 5. There shall be elected, at the times and for the terms hereinafter set out, two (2) councilmen, in and for the first ward, and three (3) councilmen in and for the second ward.

§ 6. The officers of said city of Cloverport shall consist of a mayor, councilmen, as hereinbefore provided, city attorney, marshal, assessor, treasurer, clerk, and such other officer as may be found necessary by the council to conduct the affairs of the city. The mayor and councilmen shall be elected by the qualified voters, the mayor by the qualified voters of the city, and the councilmen by the qualified voters of their respective wards. The other officers shall be appointed by the council; and be liable to be dismissed at the

pleasure of the council, and no person shall be eligible to any office of the city who is not a qualified voter and a citizen of the city, except the city attorney, who shall be eligible, if a practicing attorney of the Breckinridge circuit court; and councilmen shall be resident in the wards in which they are elected.

§ 7. Any male person of the age of twenty-one years, and who shall have been a continuous resident of the city for a period of six months prior to the election, may vote at any city election, provided he be a citizen, either natural born or naturalized, and has the legal qualifications of a voter under the laws of the Commonwealth of Kentucky. A continuous residence of thirty days in a ward previous and immediately prior to an election will entitle a resident to vote for councilmen in such ward, provided such voter has the other legal qualifications required in city elections as above set out.

§ 8. The election in each ward shall be held at such convenient places as may be selected by the officers of the election, who shall consist of two judges, a clerk, and a marshal in each ward, and who shall be appointed for the first election under this act by the board of trustees of the town of Cloverport, and thereafter by the council. Said officers shall be so appointed at least ten days before the election, and said election officers shall qualify and be governed in every respect, except as otherwise provided herein, by the general election laws of the Commonwealth of Kentucky. They shall at the close of the polls carefully examine them, see that no mistakes have been made, see that they are properly recapitulated, properly certify them over their signatures, and seal up the poll-books, writing their names across the seals, and the marshal shall deliver them so sealed, at the first election hereunder, to the town clerk, and thereafter to the city clerk. The said clerk shall carefully preserve said poll-books and deliver them with the seals unbroken, after the first election the board of trustees, and thereafter to the council at the next regular meeting after such election.

§ 9. After the first election held hereunder the board of trustees, and thereafter the council, shall be the examining board; at the first regular meeting after an election shall open, examine the poll-books, and certify to the persons elected the fact of their election to the respective offices. Such certificate shall authorize the person holding it to qualify and enter upon the duties of the office to which he may have been elected.

§ 10. Any person having been voted for at any election for any elective office may contest the right of any person holding the certificate of election to such office. The contestant shall give unto his opponent at least ten days' notice in writing of his intention to make such contest. All contests shall be heard and determined by the board of trustees or council, and the trial shall be conducted by the same rules of trial and evidence as the trial of a civil cause. A majority of the board of councilmen present and sitting shall govern: *Provided*, Not less than two thirds of the board of councilmen shall be a quorum to hear and determine contests: *And provided further*, That should the mayor or any councilman or trustee be either the contestant or contestee, such shall not sit, hear, or determine such contest, and two thirds of the remaining members shall be a quorum.

§ 11. An election shall be held on the first Monday in May, anno domini one thousand eight hundred and eighty-four, and on the first Mondays in May in each year thereafter, at which all elective officers shall be elected. The mayor shall hold his office for two years, and until his successor is chosen and qualified. The councilmen shall hold their office for one year, and until their successors are chosen and qualified; and all officers appointed by the council shall hold their several offices for such terms, not exceeding two years, as the council may determine by ordinance.

§ 12. All officers, before entering upon the duties of the office, shall take, before some officer authorized to administer oaths, the oath of office required by the Constitution of the State of Kentucky, and shall execute bonds, with surety, to be approved by the board of trustees, after the first elec-

tion for the elective officers, and thereafter by the council which bonds shall be to the city of Cloverport, for the faithful discharge of the duties of their office, and to pay over all moneys collected by them, or coming into their hands as such officers, to the persons entitled to receive the same. Any person aggrieved by the failure of any officer to faithfully discharge the duties of his office in any manner, shall have a right of action on said bond in any court of competent jurisdiction, in the county of Breckinridge: *Provided*, No bond shall be required of councilmen.

§ 13. The council shall, at their first meeting in the year anno domini one thousand eight hundred and eighty-four, and at such times thereafter, not exceeding two years, as may be prescribed by ordinance, elect a marshal, clerk, assessor, city attorney, treasurer, and city tax-collector, who shall hold their offices for the terms prescribed by ordinance, and until their successors are chosen and qualified: *Provided*, If the council deem it expedient, they may impose the duties of tax-collector upon the marshal, in which event the marshal shall execute a tax-collector's bond, take the oath of office as such, and shall perform the duties, receive the pay, and be in every manner liable as the tax-collector.

§ 14. Should any appointive officer fail to qualify as such within thirty days after his appointment, the council may declare such office vacant and fill the vacancy.

§ 15. All elections shall be held between the hours of six o'clock, ante meridian, and six o'clock, post meridian.

§ 16. All laws in force in this Commonwealth punishing illegal voting in State elections shall apply to illegal voting in city elections in the city of Cloverport, and may be enforced in such courts and by such process as is provided in the said public laws.

§ 17. Should the board of trustees or the council fail to appoint election officers as hereinbefore provided, or, when appointed, all such officers fail to attend and open the polls for twenty minutes after six o'clock, ante meridian, on the morning of the election, any trustee at the first election, and thereafter the mayor, or, in his absence from the polls, any councilman of the ward, may then and there appoint such

officers; or should such officers have been appointed, and any one or more of them fail to attend, then such one or more who shall attend may appoint qualified persons to fill the vacancy or vacancies, and after being duly sworn, such shall constitute the board of election officers.

§ 18. All legislative powers herein granted to the city of Cloverport shall vest in the city council, and it shall have control of the finances and of all the property belonging to the city of Cloverport, both real and personal, and, in addition to other powers, both general and special, they shall have power to make and receive all necessary contracts and conveyances in relation to said city, to make and ordain all necessary by-laws and ordinances for the regulation and good government of the city; to assess and collect annually an ad valorem tax, not exceeding one dollar on each one hundred dollars' worth of property, real and personal, in said city, and a poll-tax of not exceeding two dollars on each tithe in said city; to provide by ordinance the manner and means for the assessment, levy, and collection of said ad valorem and poll-tax; to order the sale of sufficient property, real and personal, to pay such tax assessed and levied upon any person who shall refuse or fail to pay the same; such sale, if any, to be advertised and made and governed by the general laws governing such sales for State and county revenue; to grant licenses for the following business, and to the following persons, and provide penalties, by ordinance, for doing business without license, to-wit: tavern-keepers, innkeepers, keepers of houses of private entertainment, saloons, coffee-houses, beer-saloons, and any saloon or place of business wherein spirituous, vinous, or malt liquors are vended, retailers of cider, soda, tobacco or cigars, billiard, pool, or any like tables, shows, theatrical entertainments, concerts, menageries, circuses, and all other exhibitions and entertainments for money or other reward, required, asked for, or attempted to be collected at, during, before, or after said exhibition or entertainment; fortune-tellers, clairvoyants, astrologers, necromancers, sleight-of-hand performances, or performers of tricks of legerdémâin, auctioneers, other than officers of the law in performance of their duties, com-

mission merchants, dealers in tobacco, builders, architects, insurance agents, express agents, telegraph and telephone companies, attorneys at law, physicians, surgeons, dentists, dealers in live stock, butchers, livery and sale stable proprietors, dealers in hay, cattle or produce, keepers of scales where a charge is made for weighing, warehouses where charge is made for storage or other use thereof, houses for the manufacture or sale of dry goods, groceries, or other merchandise, wharfmasters, keepers of ferry across the Ohio river in front of said city, itinerant venders of goods, wares, or merchandise of any kind, peddlers, itinerant venders of patent rights, keepers of studs, jacks or bulls, who stand them for reward in the city; and in granting said licenses the council shall impose such conditions and terms as, in their opinion, the good order and general interest of the city may require, may fix the sum to be paid into the city treasury therefor by the person or persons to whom granted; they may impose penalties for violations of the conditions of said licenses, may provide for the annulment or suspension of the license privileges, for violation of the conditions or terms of the license, or of the ordinances governing the same; and such licenses may be granted for a long or short time, as in their discretion may seem fit; such terms to be fixed and declared by ordinance, provided no license shall be granted for more than one year.

§ 19 The council shall have power and authority to make all prudential by-laws and ordinances for the good government of the city, not inconsistent with the Constitution and laws of this State, embracing ordinances to buy and sell any property needed by or useless to the city, or as the public good may require; conducive to health; all needful sanitary regulations; laws for the control and abatement of public nuisances; laws for the suppression of and punishment of riots, routs, breaches of the peace, disorderly conduct; for the control of tippling-houses, saloons, billiard and pool-rooms, hotels, and all places of public business, so that the same shall be kept in an orderly manner, and may provide penalties for any infraction thereof; laws for the prevention and suppression of gaming for money or other

thing of value, betting, selling or giving intoxicating liquors to minors, selling intoxicating liquors without license, or on the Sabbath day, and providing penalties for the infraction of them; laws providing what are violations of the Sabbath, and penalties for any infraction thereof; laws providing penalties for drunkenness, for the suppression of tippling-houses, bawdy-houses, houses of ill-fame, disorderly or disreputable houses of any nature, and providing punishment against the keepers and inmates thereof; laws for the protection of public and private property; to suppress and punish vandalism, vagabondage, vagrancy, adultery, fornication, lewdness, or other disorderly conduct or behavior, and to make and ordain all laws they may deem necessary for the good of society and protection of morals of the city or the interests of the city.

§ 20. The council shall have power and authority to provide by ordinance the manner and means of the enforcement of the by-laws and ordinances of the city, and the penalties and punishments thereunder; but no such ordinance or ordinances shall be inconsistent with the Constitution or laws of the Commonwealth.

§ 21. The council shall have power over the streets, alleys, sidewalks, public squares, public lots, wharves, and landings of said city, and are authorized, and it is made their duty, to open roads, streets, and alleys where and when the same is required for the convenience of public and the wants of society, and may do this by purchase from or by the consent of the owners, or by writ of *ad quod damnum* sued out by the mayor in the county court of Breckinridge county, as provided for the opening of public roads in the county; and said county court is hereby clothed with the jurisdiction thereof, and the same proceedings may be had as is now provided by law for public roads. And when such highways are opened, they shall vest in the city as public highways, and shall be controlled by the council. It shall be the duty of the council to keep the streets, alleys, and sidewalks in the city in good repair, and for a failure so to do, they may be prosecuted individually by indictment in the circuit court of Breckinridge, under the laws governing

overseers of the public highway; that they shall, as the wants of society require, and the means in the treasury will allow, grade, pave, or macadamize the streets of said city; that after any street shall have been paved or macadamized, or at any time when the council deem it advisable and necessary, they shall have the power and authority [to order] the sidewalk or walks of any street or streets to be graded and paved, with any material chosen by them, at the expense of the owners of lots fronting the same; and if any owner of such lot refuses to do so himself or herself, after a reasonable notice is given, the council may cause the same to be done, and the cost thereof may be listed and collected as other city taxes are collected, and lien therefor shall be given to the city for the payment, and the said lot shall be sold for the same and in the same manner as provided herein for the sale of property real for other taxes.

§ 22. The same right of redemption for real estate sold for city taxes, or under the last foregoing section, shall exist as exists under the general law under sales for State and county revenue; and the law so provided shall govern hereunder.

§ 23. The council shall have the power, and it shall be their duty, to make by-laws for the management and control of the wharves and public landings in the city on the Ohio river belonging to the city, for their protection, repair; they may lease the same, may fix rates of wharfage, commissions and charges; may, if they deem it advisable, appoint a wharfmaster, and collect the proceeds, or may lease the exclusive privilege of the wharfage at such sum as they may determine, and fix the rate thereof; may confer the duties and powers of a special policeman upon the appointed wharfmaster or the lessee, for the purpose of keeping order at the wharves and landings and the protection of the property, and may make and enact all necessary by-laws for the proper care, control, and management of said wharves and landings, not inconsistent with the Constitution and laws of this State.

§ 24. The council shall have power to levy and collect all taxes which the trustees of the town were authorized to

collect before the passage of this act, not otherwise directed herein; shall have the exclusive right to license all taverns, houses of entertainment, saloons, coffee-houses, and all houses wherein intoxicating liquors may be sold: *Provided*, The State tax, wherever there may be such, shall be paid as required by the general law.

§ 25. The council may, in lieu of an ad valorem tax, levy a special tax each year on each house for the sale of merchandise of any kind, or for the purchase and sale of country produce, or for dealing in tobacco, or for dealing in goods and wares of any kind: *Provided*, Said tax shall not be less than two dollars and fifty cents, nor more than one hundred dollars on each house or business, to be governed as near as may be by the amount of business done: *And provided*, This special tax may be in addition to the license tax hereinbefore provided for.

§ 26 The council may erect such buildings as they may deem necessary and the public good requires. They may erect a city prison or work-house, and regulate the management thereof.

§ 27. The council may regulate buying and selling articles of food and provender, and the measuring, weighing, gauging, and inspecting of such articles sold anywhere in the city; and may impose penalties for fraud or misrepresentation of quality or quantity of the same, or for the sale of any such article that is adulterated, or an imitation of the genuine as genuine. They may license and regulate porters, carts, wagons, hacks, or other vehicles plying in the city for hire, fix the rate of charges therefor, and prohibit those not licensed.

§ 28. The city council herein provided for shall consist of the mayor and the councilmen whose election is herein provided for: *Provided*, The council may, when they deem it advisable, create other and additional wards in the city, and provide for the election of two additional councilmen from each ward so created, which, when elected and qualified, shall compose a part of the council. Additional wards may be created by the council by the division of those herein provided for, but not so as to destroy the proportion

of councilmen from the first and second wards as they now exist, to-wit: as two to three.

§ 29. It shall be the duty of the mayor to preside at all meetings of the council, and in all cases of a tie he shall have a vote, but not otherwise. He shall observe a strict supervision over all the affairs of the city; see that the ordinances of the city are enforced and observed; see that each officer of the city discharges the duties of his office promptly and properly; and cause any officer who is derelict to be impeached or dealt with as the case demands. He is empowered with due authority, and it shall be his duty, to suppress all riots, insurrections, or disorderly conduct; to command the peace; and may arrest offenders against the penal laws of the city and against the penal and criminal laws of the Commonwealth of Kentucky in view; and may summon the *posse comitatus* to his aid, if and when necessary. He shall be a conservator of the peace. He shall sign all licenses, permits, commissions granted, and written contracts made by the city, and perform all other duties, and exercise such other powers as shall, from time to time, be required of him by law or by the ordinances of the city.

§ 30. The council shall, at their first meeting after election and qualification, each year, elect one of their number mayor *pro tem.*, who shall take the oath of office as required of the mayor, whose term of office shall be one year, and until his successor is chosen and qualified. The mayor *pro tem.* shall, in the absence of the mayor, preside at the meetings of the council; and in case of the death or resignation of the mayor, his absence from the city, or disability or removal, he shall perform all the duties of the mayor, and have and exercise all the powers of the mayor. Unless, in event of a permanent vacancy in the office of mayor, the mayor *pro tem.* shall not be required to execute bond, but, in such event, he shall execute the bond required of the mayor. In case of the absence or disability of both the mayor and mayor *pro tem.*, the council shall elect one of their number a chairman to preside at their meetings. The council shall have power to fill all vacancies that may occur in any city office, except that of mayor; and in event of a

permanent vacancy in said office, the mayor *pro tem.* shall serve until the next regular election of councilmen, at which a mayor shall be elected, if the election occur at the end of a regular term of mayor, for the succeeding term; if not, for the unexpired term. Vacancies shall be declared by the council.

§ 31. A majority of the councilmen, including the mayor *pro tem.*, shall constitute a quorum for the transaction of the business of the council.

§ 32. The council shall by ordinance fix the time and place of holding the regular meetings of the council, and the manner in which special meetings may be called.

§ 33. The council at their first meeting, in the year *anno domini* one thousand eight hundred and eighty-four, and at the first meeting of the new council every succeeding two years (unless the terms of office shall be fixed by the council at a shorter period than two years), elect a marshal, clerk, city attorney, tax collector, treasurer, and assessor, who shall each hold their offices two years, or such period of time as may be fixed by ordinance hereunder.

§ 34. All warrants and process issuing from the mayor's court (hereinafter created) shall be directed to and executed by the marshal, except when he may be absent, sick, or under some disability or inability, or when there is a vacancy in the office of marshal, when they may be directed to any constable of Breckinridge county, or to the sheriff of said county, or to a policeman. The marshal may execute any process of any court of the Commonwealth directed to Breckinridge county, but shall not be compelled to do so beyond the limits of the city.

§ 35. The marshal shall, by himself or deputy, or he shall cause a policeman to attend punctually, on all meetings of the council and the mayor's court, and perform all duties required of him by either while in session. It shall be his duty to exert himself to suppress all riots, fights, breaches of the peace, unlawful assemblies and infractions of the penal laws and ordinances; to apprehend without warrant and take before the mayor all rioters, disturbers of the public peace, disorderly persons, persons found drunk, uncared.

for, exposed, vagrants, vagabonds, lewd persons, persons in the act of committing an offense against the penal laws or ordinances of any nature, or criminal laws of the State, or persons fleeing from justice, and he may call to his assistance when necessary the *posse comitatus*. It shall be his duty to see that good order is preserved in the city, and to faithfully watch and care for the interests of the city and society. He shall be chief of police, and as such have the care, control, and management of the deputy marshal and policemen, should the council establish a permanent police force, or should the mayor at any time appoint temporary or special police. He shall have power to suspend the deputy marshal or any policeman for any dereliction of duty until the next meeting of the council, when he shall report the charges against such officer to the council, and the council shall hear and determine such charges after hearing evidence, and reinstate, further suspend, or dismiss such officer.

§ 36. The council may, at any time it may deem it advisable, establish by ordinance a police force, and may, from time to time, in their discretion, increase or diminish such force. They may at any time authorize the marshal to appoint a deputy marshal, who shall take the oath of office. The marshal shall be responsible for the acts of the deputy to the same extent as a sheriff is responsible for the acts of his deputy under the general law.

§ 37. All persons arrested between the hours of six o'clock in the afternoon, and six o'clock, in the forenoon, may be placed by the peace officer in the city prison until the charge may be heard in the mayor's court.

§ 38. It shall be the duty of the city attorney to advise the mayor, city council, and all officers of the city, on all legal matters and questions affecting the interests of the city; to prepare and prosecute all prosecutions for infractions of the ordinances of the city, and shall prosecute and defend all civil suits in which the city may be interested, either as plaintiff or defendant, and perform such other legal duties as may be required of him by ordinance or direction of the council. He shall receive such compensation and

fees as may be determined by ordinance or by contract with the council; he shall receive thirty per centum of all fines and forfeitures recovered in the mayor's court in cases in which he has appeared, when the same are collected.

§ 39. The marshal shall receive such fees and compensation as may be determined by the council by ordinance; but no fees for his services shall exceed those allowed sheriffs by the general law for similar services.

§ 40. The treasurer shall be the custodian of the moneys and funds of the city, and shall give his receipt for the same, and shall pay out the same upon warrant of and by order of the council. The warrant drawn and signed by the clerk by order of the council, and countersigned by the mayor, and under the city seal, shall be a sufficient voucher for moneys paid out by him. The mayor, tax collector, marshal, and all city officers, shall pay over to the treasurer all funds and moneys coming to their hands belonging to the city to the treasurer, and take his receipt therefor.

§ 41. The city clerk shall be the custodian and keeper of the city seal, and all books containing the records of the city; he shall keep the records of the meetings and actions of the council, and perform such duties as clerk as may be required of him by the council. The council shall fix his compensation and fees by ordinance.

§ 42. The assessor shall assess the property of and in the city, for the purpose of city taxation, under such directions of the council by ordinance. His compensation shall be fixed by ordinance of the council. He may require any person owning property, real or personal, in the city, subject to taxation, to make out his list in writing, and verify the same by his affidavit.

§ 43. The tax collector shall receive from the clerk the tax-book and collect the taxes due the city, under such directions as may be prescribed by ordinance of the council. The assessor shall, after the assessment, deliver the tax-book to the clerk, and said clerk, after the same has been supervised and equalized in form as may be ordained by the council, shall deliver the tax-book to the tax collector, and

take his receipt for the same. The clerk, in a book kept for the purpose, shall make and keep a copy of the tax-book, and shall keep an account with the tax collector of the amount of taxes listed with him, and the amount paid by him to the treasurer, as shown by the receipts of the treasurer, and the delinquent list as claimed by the collector, and at the end of the term he shall settle and balance said accounts, and report the same to the council for their action. No settlement so made shall be binding upon the city until ratified by the council. The compensation of the tax collector shall be fixed by ordinance of the council.

§ 44. The office of police judge of the town of Cloverport is hereby abolished, and in lieu thereof the mayor of the city shall hold a court therein, which is hereby established, and shall be known as the "mayor's court of the city of Cloverport," and the same is hereby declared to be a court of record, and shall be provided with a seal; and copies and transcripts from the proceedings of said court, properly attested and certified and signed by the mayor, shall be received as evidence of the matters therein contained in all the courts of this Commonwealth.

§ 45. The said court shall have exclusive jurisdiction of all causes arising from the breaches, infractions, and violations of the by-laws and ordinances of the city, and shall have concurrent jurisdiction with the justices of the peace of Breckinridge county, either as now conferred by the general law or may hereafter be conferred upon them, in all civil suits and actions, and in penal and criminal causes. The pleading and practice in all causes, suits, and actions in the mayor's court, wherein such court has concurrent jurisdiction with justices of the peace, shall be same as is now or may hereafter be conferred on and provided for courts of justices of the peace in Breckinridge county.

§ 46. That in all cases where fines are imposed in the Mayor's court for violation of the ordinances of the city, the mayor may direct in the judgment that the defendant be committed to the city prison or work-house until such fines are paid or replevied, or may afterwards issue a *capias* so ordering, and the council may by ordinance provide by

ordinance for the employment of such prisoners on the streets, alleys, or other public works of the city, and may compel such services at a rate per day to be fixed by ordinance, not less than one dollar, until said fine is liquidated.

§ 47. The mayor shall have the same power to hold examining courts inquiring into charges of felony and misdemeanor, and in committing, bailing, and recognizing defendants and witnesses therein, as two justices of the peace now have.

§ 48. The mayor shall have power to issue and enforce all process for the proper exercise of his jurisdiction as a court herein conferred on him. He may and is empowered to take depositions as examiners and justices of the peace are now empowered. He shall have power to grant, hear, and determine writs of injunction and *habeas corpus*, and herein his jurisdiction and powers shall be the same as that of county judges. He shall have power to grant writs of attachment as the circuit clerk is now empowered: *Provided*, Where the attachment is for a sum exceeding one hundred dollars, he shall return the same and the record to the Breckinridge circuit court. He shall have power to enforce order in his court, and may have the proceedings for contempt as are conferred on judges of quarterly courts.

§ 49. For the trial of civil causes the mayor's court shall be held once every three months, and the terms shall be fixed by ordinance of the council. Said court shall be open at all times for the trial of penal and criminal causes within his jurisdiction, the examination of felonies, and for the trials for violations of the city ordinances. He shall hear and determine all causes for violation of the ordinances without the intervention of a jury, unless a jury be demanded by the defendant, in which case, if the jury convict, the court shall tax in the bill of costs fifty cents for each juror.

§ 49. In all civil causes in the mayor's court the proceedings and the laws governing similar causes in courts of justices of the peace shall govern, and he shall be controlled by the same rules of practice and pleading as obtain therein.

§ 50. The mayor shall act as clerk of his own court, but may appoint a deputy. He shall have all the powers and

authority now conferred on the police judge of Cloverport; and all laws pertaining to said court now in force shall remain in force and apply to the mayor's court, except as otherwise provided herein. As soon as the mayor shall be qualified as judge of the mayor's court the dockets, files, records, and all books and papers pertaining to the office of police judge of Cloverport, shall be delivered by the police judge to the mayor, and he shall hold and act upon the same as a justice of the peace acts upon and as successor of his predecessor.

§ 51. Before entering upon the duties of his office as judge of the mayor's court, the mayor shall take the oath of office prescribed by the Constitution of the State of Kentucky, and shall execute, with approved surety, a similar bond as those required of justices of the peace, and which said bond shall be executed before the clerk of the Breckinridge county court, and filed in county clerk's office of said county. All appeals from the mayor's court may be taken to the circuit court of Breckinridge county, where the amount in controversy exceeds ten dollars, exclusive of costs, and appeals may be taken in same time and in same manner as is provided by law for appeals from the courts of justices of the peace in Breckinridge county.

§ 52. The mayor shall have power to require and take recognizances for appearance in his court on any day named therein in all cases cognizable in said court, and also surety to keep the peace and be of good behavior for not exceeding one year. Forfeitures of any such recognizances may be declared and enforced in the mayor's court under the same proceedings as similar forfeitures are declared and enforced in the circuit courts.

§ 53. The fees of the mayor as judge of the mayor's court in all city cases shall be fixed by council by ordinance. In all other cases his fees shall be the same as allowed justices of the peace for similar services.

§ 54. The mayor shall three times a year, at such times as shall be ordained by the council, and at the end of his term make out, verify under oath, and return to the council a list of all funds, moneys, fines, forfeitures, and assets that

come to his hands belonging to the city, and he shall settle with the council, and if, after such settlement, it is shown that he has not paid over to the treasurer all such received by him, and shall fail and refuse to pay the same, or any balance thereof, to the treasurer, he shall be liable on his bonds, to be prosecuted by petition in the Breckinridge quarterly or circuit court.

§ 55. All revenue arising from prosecutions, fines, and forfeitures, in the mayor's court, for violation of the city ordinances shall belong to the city and be paid to the treasurer.

§ 56. All officers of the city at the end of their term, and whenever required by the council, shall report, settle with, and account for all moneys, funds, and assets received by them belonging to the city, and upon failure to properly account for and pay over such moneys, they may be prosecuted on their bonds as provided in the case of the mayor, as hereinbefore provided.

§ 57. The council, at any time they may deem advisable, require of any city officer a new bond or additional surety on their bonds.

§ 58. The mayor may, at any time when the council is not in session, should he deem it necessary, appoint a special policeman or policemen, and fix the compensation thereof, which shall be allowed by the council and paid out of the city treasury, provided such appointment of special policemen shall not be for a longer period than until the next regular meeting of the council thereafter.

§ 59. All property shall be listed for taxation as of the tenth day of January of each year, except stores, which shall be returned at the time and in the manner provided by law for State taxation.

§ 60. Under the penalty of the forfeiture of his office by declaration of the council, no officer shall, directly or indirectly, have any interest in any contract with the city, nor shall he buy, discount, or deal in claims against the city.

§ 61. The council are hereby authorized, and it is the intention and spirit of this act that they shall have the power, to make all by-laws and ordinances, to preserve good order and public peace, and which they deem necessary to

the health, safety, and prosperity of the citizens and the protection of the property in the city, public or private, and to advance the interests of the city, not inconsistent with the Constitution and laws of this State, and may impose and enforce penalties for the violations thereof, not exceeding one hundred dollars, although the power to make such by-laws is not specially given or conferred by this act.

§ 62. The council shall have power to provide for the poor of the city, and may levy, assess, and collect a tax for that purpose in the manner hereinbefore provided. If the council should deem it advisable to provide such pauper fund, it shall be expended in such manner, time, and instances as the mayor, by and with the council's consent, may deem proper. The council shall have the power to send any person convicted of pauperism before the mayor to the county poor-house of Breckinridge county, and it shall be the duty of the keeper of the poor-house to receive such pauper, and care for him or her as other county paupers, for which the city shall pay the rate and expenses as the county contracts to pay him for her paupers. A certificate of the mayor that any person has been by him adjudged a pauper shall be necessary for admission, and any such pauper shall be discharged from the poor-house on the order of the mayor.

§ 63. The records of the city of Cloverport are public records, and copies thereof under its seal, and of all bonds and contracts to and with the city, shall be evidence in all the courts of the Commonwealth as if the original were in proof. The city clerk shall deliver copies of any such records and contracts upon payment of such fees as may be allowed him by ordinance.

§ 64. This act is a public act, and shall be liberally construed and judicially noticed in all the courts of the State. It shall not be necessary in pleading under this act, in any court of the State or mayor's court, in any cause to recite the ordinances, but it shall be sufficient to plead the date, title, and section of such ordinances.

§ 65. All prosecutions under the ordinances of the city shall be by warrant or summons, and in the name of the

city of Cloverport. The council shall by ordinance prescribe the form and requisites thereof, and shall also prescribe in what cases and in what cases summons shall issue.

§ 66. The council may employ a competent surveyor, and cause a complete and correct plat of the city, showing lots, wharves, streets, alleys, and all divisions and subdivisions of and in the city. Said plat, when made, shall be recorded in the county clerk's office of Breckinridge county, and the original filed with the city clerk.

§ 67. The present incorporation of the town of Cloverport shall exist and be in full force, with all its powers, until the organization of the city of Cloverport under this act. The trustees and other officers of said town in office at the time of passage and approval of this act, shall, regardless of the time of the expiration of their terms of office, hold their respective offices, and exercise the full powers and duties thereof, until the city of Cloverport is organized hereunder.

§ 68. All acts and parts of acts in conflict with this act are hereby repealed.

§ 69. This act shall take effect and be in force from and after its passage.

Approved February 25, 1884.

CHAPTER 235.

AN ACT to amend an act, entitled "An act to amend the charter of the Bank of Ashland and to incorporate the Bank of Shelbyville," approved February twenty-fourth, one thousand eight hundred and sixty-nine.

WHEREAS, It is represented to this General Assembly that the charter of the Bank of Shelbyville will expire and cease on the first day of January, one thousand eight hundred and eighty-six; now, in order to continue and extend the same,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the chartered rights, franchises, and privileges of the Bank of Shelbyville, at Shelbyville, Kentucky, shall continue and extend in full force and effect for twenty years

from and after said first day of January, one thousand eight hundred and eighty-six.

§ 2. Said bank, under the continuance and extension hereby granted, shall be subject to all the restrictions, limitations, penalties, and conditions imposed, and be entitled to all the rights and privileges granted to it by the act to which this is an amendment, and by the preceding acts in relation thereto, and by the acts amendatory thereof; but said bank shall be known by, and may sue and be sued, contract and be contracted with, by and under the name of the Bank of Shelbyville.

§ 3. The General Assembly of the Commonwealth of Kentucky hereby reserves to itself the right to alter, change, amend, or repeal this act, and all acts in relation to the subject-matter hereof, at its pleasure.

§ 4. This act shall be in force from its passage.

Approved February 25, 1884.

CHAPTER 236.

AN ACT to amend the charter of the town of Russellville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of section forty-one of an act, entitled "An act to amend and reduce into one the acts relating to the town of Russellville," approved May first, one thousand eight hundred and eighty, as establishes the office and provides for the election of marshal of said town, be, and the same is hereby, repealed, and said office of marshal of said town is hereby abolished.

§ 2. The council may annually appoint a collector, whose duty it shall be to collect all the taxes and public dues levied and assessed by the mayor and common council; said collector shall execute bond and take the oath required of the marshal by said section forty-one of the act to which this is an amendment, and shall have all rights and powers in collecting said taxes and public dues as is conferred on the marshal by said act.

§ 3. This act shall be in force from its passage.

Approved February 25, 1884.

CHAPTER 237.

AN ACT to charter the Kaskaskia, St. Elmo, and Southern Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Kaskaskia, St. Elmo, and Southern Railroad Company, a corporation formed and existing under the laws of the State of Illinois, be, and it is hereby, made a corporate body within this Commonwealth, with perpetual succession, with power to contract and be contracted with, to sue and be sued in all the courts of this State and elsewhere as natural persons.

§ 2. That said Kaskaskia, St. Elmo, and Southern Railroad Company shall have the right to build and operate a railroad in the county of McCracken and in the city of Paducah, from the terminus of any railroad bridge or transfer that may be built or established across the Ohio river in said county to any station or depot in said city or junction with any other railroad company, and may extend its line of road by single, double, or treble track to the Tennessee State line, at such point as the company may select; and may construct, maintain, and operate a railroad transfer across the Ohio river at Paducah, either alone or in connection with other companies, upon such terms as may be agreed upon; and may purchase, lease, or make running arrangements with any other railroad company with which it may connect; and may carry and transfer its locomotives, cars, freight, and passengers across said river. It being the intent and purpose of this act to enable and authorize the said company to build, own, and operate a line of railway from some convenient point in the city of Paducah to any such bridge or transfer landing, and so as to connect the same with a line of railway in the State of Illinois by bridge or river transfer; and may establish and construct such depots, sidings, turntables, shops, and offices as may be deemed expedient; and may purchase, lease, or otherwise acquire, real and personal property for the said railroad tracks, transfer landings, depots, sidings, shops, offices, and other purposes of the said company; and may extend its line of road to the Tennessee

State line in Graves or Calloway counties, but shall have no right to transfer any suit from the State to the Federal courts in this Commonwealth.

§ 3. The said Kaskaskia, St. Elmo, and Southern Railroad Company may issue and sell its negotiable bonds, bearing a rate of interest not exceeding six per centum per annum, payable at such times and place as it may determine; and may secure the same, or other obligations, by a mortgage upon its property, rights, and franchises in the Commonwealth, either separately or in connection with its property, rights, and franchises out of this Commonwealth.

§ 4. The said company shall have the right to build and operate its railroad over and along such public ways in the city of Paducah as may be permitted by the common council of said city, and upon such regulations as said council may by ordinance require.

§ 5. The Kaskaskia, St. Elmo, and Southern Railroad Company is hereby authorized and empowered to subscribe stock in the Paducah and Illinois Bridge Company.

§ 6. That the city of Paducah may subscribe to the capital stock of said railroad company in an amount not to exceed one hundred thousand dollars, and pay the same in the bonds of said city at par; said bonds to be made negotiable and payable in such sums as the council may deem proper, and to bear a rate of interest not to exceed five per centum per annum; the interest to be represented by coupons attached to said bonds payable semi-annually in the city of Paducah, the bonds to be signed by the mayor of the city of Paducah, and the coupons to be signed by the clerk of said city; and said bonds to be issued by said city, and delivered to said railroad company, upon such terms and conditions as may be agreed on by said city and said railroad company; but before any such subscription shall become valid and binding on said city, the same shall be submitted by the council of said city of Paducah to the legal voters of said city at a general or special election, and voted for by a majority of all the voters at such election; and the city council shall have the power to fix the time when said election shall be held, and

the mayor, clerk, and city attorney of said city shall compare the polls and certify the results under this act.

§ 7. The Legislature reserves the right to regulate the charges for passage and freights on said railroad, or by said railroad company, over its railroad in this Commonwealth.

§ 8. This act shall take effect from and after its passage.

Approved February 25, 1854.

CHAPTER 238.

AN ACT to authorize the city of Hopkinsville to erect and maintain or to provide for the erection and maintenance of water-works for said city and its inhabitants, and to procure the condemnation of land for said purpose.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city of Hopkinsville, in Christian county, be, and is hereby, authorized and empowered to erect and maintain, or to procure by contract, with any person, corporation, or association of persons for the erection and maintenance of water-works within or without the corporate limits of said city, for the use and benefit of said city and its inhabitants, and to provide for, secure, keep, and maintain all such machinery, fixtures, and appliances, either within or without said corporate limits, or may be needed to furnish to said city and to its inhabitants good and pure water for all uses and purposes.

§ 2. Whenever the board of councilmen of said city shall deem it expedient to erect, or by contract to have erected water-works, as authorized in the next preceding section, the said board of councilmen shall so declare by resolution or ordinance; and if for this purpose it shall be desired to acquire lands by condemnation, or to dam any now navigable stream in, near by, or convenient to the said city, the said board of councilmen shall likewise so declare, and it shall be lawful, and power is hereby given to and conferred upon the said city, in its corporate capacity, to procure the condemnation of such quantity of land on the banks or bed of such stream, or elsewhere, as may be nec-

essary for the erection of abutments and dam, and also for the erection of necessary buildings for engine and pumps or other purposes needful for the collection, storage, purification, and distribution of the water to be furnished: *Provided*, That not more than one acre of ground on either side of such stream shall be condemned for the dam, or such buildings or fixtures as may be needed at or on the banks of the stream.

§ 3. That the proceedings for condemnation shall be had in the same tribunals, and shall be conducted in the same manner, as is now provided in chapter seventy-seven of the General Statutes of Kentucky relating to mill-sites and mill-dams: *Provided*, That nothing contained in this act shall be construed as preventing the said city, or any person or corporation who may contract with said city, for the erection of water-works, from acquiring all the land or real property, and all privileges or easements necessary for such purposes by purchase or contract with other persons.

§ 4. This act shall take effect and be in force from and after its passage.

Approved February 25, 1884.

CHAPTER 239.

AN ACT to amend the charter of the Raywick, Chicago, and Holy Cross Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims of Marion county, a majority of the justices being present and concurring, may, in their discretion, subscribe to the capital stock of the Raywick, Chicago, and Holy Cross Turnpike Company, not exceeding one thousand dollars to the mile, for each mile built of said road after the passage of this act, and may make the subscriptions upon such terms as the said county court may deem proper.

§ 2. This act shall take effect from its passage.

Approved February 25, 1884.

CHAPTER 240.

AN ACT for the benefit of the Lebanon, Gravel Switch, and Rolling Fork Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the Lebanon, Gravel Switch, and Rolling Fork Turnpike Road Company, in Marion county, to charge and collect for travel on said road from all persons who travel same, except ministers of the gospel, tolls as allowed by law.

§ 2. This act shall take effect from its passage.

Approved February 25, 1884.

CHAPTER 241.

AN ACT to amend the charter of the Case-Crowder and Ethrington Turnpike Road Company, in Anderson county, approved May fifth, one thousand eight hundred and eighty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Case-Crowder and Ethrington Turnpike Road be amended as follows, to read: Shall begin at a point at or near the terminus of the Salvisa and Kirkwood Turnpike Road, to run the most practicable route to a point on the Fox Creek and Washington County Turnpike, at or near the Hickory Grove school-house.

§ 2. That instead of the names of W. H. H. Hawkins and W. D. Utterback, the names of Jo. A. Cohen and R. B. Sweeney shall be inserted.

§ 3. This act shall take effect from and after its passage.

Approved February 25, 1884.

CHAPTER 242.

AN ACT to amend and reduce into one all the several acts incorporating West Liberty, in Morgan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary line and corporate limits of the town of West Liberty shall be as follows, viz: Beginning

on the south bank of the Licking river opposite the north-west corner of the lot owned by James C. McGuire ; thence a straight line with said lot eastward to a black walnut near the head of the " Gallows Hollow ;" thence a straight line with the " Gallows Hollow " to the Long Branch ; thence with the Long Branch to the line between O. W. Burns and Emma Salyer ; thence a straight line with the south side of the road leading to Hazel Green to the south side of the Licking river ; thence down the river with high-water mark to the beginning ; and said town is hereby created a body-corporate and politic, with power to sue and be sued, contract and be contracted with, under the name and style of " The Town of West Liberty."

§ 2. The fiscal, prudential, government, control, and municipal affairs of said town of West Liberty shall be vested in a board of trustees, which shall be composed of five members, and shall be known and designated as the board of trustees of the town of West Liberty. Three of said trustees shall constitute a quorum for the transaction of business, all of whom shall be citizens of the State, and shall have resided in said town, and *bona fide* housekeepers, one year next preceding their election, and take an oath before entering upon the duties of their office faithfully to perform the same.

§ 3. That said trustees and their successors in office shall be a body-politic and corporate, and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of defending and being defended, in all courts in this Commonwealth ; and may use or not use a common seal ; and shall be vested with all general powers conferred by the laws of this Commonwealth on bodies-corporate of like character.

§ 4. Said trustees shall be elected on the first Saturday in April, one thousand eight hundred and eighty-four, and annually thereafter, by the male inhabitants of said town entitled to vote at the general State elections for Representatives in this General Assembly : *Provided, however,* That no person shall be entitled to vote for trustees until he shall

have paid his poll-tax for that and the preceding years, and all arrearages and taxes by him due said town. The said trustees shall hold their offices for one year, and until their successors shall have been elected and qualified, and shall have power to fill any vacancy which may occur in their body; but if any trustee elected at annual election shall refuse to qualify and serve, the board shall immediately appoint a trustee or trustees to supply his or their place. It shall be the duty of the board to appoint one of their own number chairman, who shall preside at all of their meetings, and in case of his absence may appoint a chairman *pro tempore*, and in case of his death, removal from the town, or vacation of his seat, the trustees may appoint another in his stead. The elections for trustees shall be held at the courthouse in said town by two judges, a sheriff and a clerk, who shall be sworn as all other election officers are required to be sworn under general laws, and to be appointed by the board, and shall be conducted in all respects as elections under the State laws; and the penalties imposed by the election laws of the State shall apply to offenses committed at said elections. The trustees may, from time to time, fix and regulate the time of their regular meetings, and shall hold at least one regular meeting each month, and may prescribe the mode in which special meetings may be called, and may inflict a penalty not exceeding one dollar on any member for non-attendance at any one meeting, to be applied to the purchase of stationery, light, and fuel for said board.

§ 5. A police judge and town marshal shall be elected by the qualified voters of said town of West Liberty on the first Saturday in April, one thousand eight hundred and eighty-four, and biennially thereafter, each to hold their office for the term of two years, and until their successors are elected and qualified. The polls of the election of trustees, police judge, and town marshal shall be returned to the county court of Morgan county at the first term after said election, and the said county court shall certify the result of the election, so far as the election of police judge is concerned, to the Governor of the State, whose duty it shall be to issue a commission for the person elected to the office of

police judge, who shall be a judicial officer to be styled the police judge of the town of West Liberty.

§ 6. The police judge, before he enters on the duties of his office, shall take an oath before some officer authorized to administer an oath under the laws of this State to discharge the duties of his said office faithfully and impartially to the best of his ability, without favor or affection, together with such other oaths as other public officers may be required by the law and the Constitution to take. The police judge shall have jurisdiction within the limits of said town in any cases, civil and penal, concurrent with the jurisdiction of the justice of the peace of Morgan county, and the Civil Code of Practice shall regulate the proceedings before the police judge in civil cases tried before him; and the police judge shall have the same jurisdiction now given by law to justices of the peace within said town in civil actions and penal prosecution. He shall have jurisdiction of all offenses exclusively arising under the by-laws or ordinances of said town, and shall have power and authority to grant injunction or restraining orders in equity, writs of *ne exeat* and *habeas corpus*, and it shall be the duty of said judge to keep a record of his proceedings, a copy of which shall be evidence in all courts of record within this Commonwealth. He shall have power to fine and imprison for contempt: *Provided*, Said fine shall in no case exceed ten dollars, nor imprisonment more than twelve hours. He shall have power to order the marshal, or other officer authorized to execute process in his court, to summons a jury in any cause cognizable before him when a jury will be required before a circuit court or a justice of the peace, and to compel their attendance. He shall be conservator of the peace, and shall *ex officio* proceed against violators of the statute laws of this Commonwealth and the by-laws and ordinances of the board of trustees without the need of an informer; shall have the same power as an examiner of said county in taking depositions, and be governed by the same rules. Said police judge shall be entitled to the same fees as are now or may hereafter be allowed by law to justices of the peace for similar services.

§ 7. The police judge of said town shall commit to the county jail of Morgan county all persons liable to commitment for violations of the criminal and penal laws of this Commonwealth, and for breaches of the ordinances of said town, and the jailer of said county shall receive and keep all persons so committed by said police judge: *Provided*, That the fees for taking care of all persons committed to said jail by said judge shall be allowed by the board of trustees, and paid out of the town treasury of said town.

§ 8. It shall be the imperative duty of the police judge of said [town] to commit to jail all persons who shall fail to pay or replevy, with good personal surety or sureties, the fines and costs of proceedings assessed against them; and unless such fines and costs shall be replevied or paid, the defendant shall remain in jail, and be required by the judgment of said police judge to work on the streets of said town at the rate of one dollar per day, under the marshal, until said fine and costs shall be paid.

§ 9. The police judge shall hold his court for the trial of civil actions on the first Saturday in every month, and he shall have a right to continue his court till all the business before him is completed or disposed of. His court shall be open at all times for the trial of any breach of the penal and criminal laws, or of the by-laws and ordinances of said town, and shall hold said trials without regard to the time of service of process, but shall continue from time to time, for good cause shown.

§ 10. That upon all judgments by the police judge either party shall have the right to appeal from said judgment in the same manner and upon the same terms appeals are taken from justices of the peace in similar cases.

§ 11. In the absence of the police judge, or his inability to attend and hold his courts, or office is vacant, the nearest justice of the peace is hereby authorized and empowered to hold his courts, and with the same authority as the police judge.

§ 12. If the office of police judge shall, from any cause, become vacant, the board of trustees shall immediately rec-

commend a successor to the Governor of this Commonwealth, who is authorized and empowered to commission for the unexpired term of said police judge.

§ 13. The police judge shall execute bond, with good security, to the board of trustees for the payment of all fines and moneys that come to his hands as is now required by law for justices of the peace and other officers; and for a breach of said bond the board of trustees may, in any court having jurisdiction, institute proceedings on said bond, recover the amount due and ten per cent. interest from the time due, together with all legal attorney's fees in prosecuting said suit for a breach of said bond; said bond shall be executed before the Morgan county court, and approved by said court, and recorded on the order-book of said court.

§ 14. That it shall be the duty of the town marshal to attend the sittings of the courts to be held by the police judge, to serve all process and precepts, and to collect all executions to him directed from the police judge, or any court that is authorized to direct the same to him, and make due return thereof, in doing which he may go to any part of the county. He shall collect all taxes due said town, executions, and other demands which may be put into his hands to collect or execute, and account for and pay over the same to whosoever may be entitled thereto, under the same rules and regulations required by law of sheriffs in the collection of taxes, and of constables in the collection of executions and other demands; and for failure to perform any of the duties required of him, he shall be subject to the same proceedings had against sheriffs and constables in similar cases. The said marshal shall be entitled to the same fees for collecting the town tax that sheriffs are entitled to for collecting the county levy; and in all other cases the same allowed constables for similar services: *Provided, however,* That said police judge shall have power and authority, whenever it is made to appear by affidavit that it is impracticable, or some good cause that the marshal cannot execute process, to direct the same to the sheriff or any constable of Morgan county: *Provided further,* That the said marshal shall be invested with all the power and authority which is given to constables in all cases

cognizable before said police judge; and before the said town marshal shall proceed to the execution of the duties of his office, he shall take an oath before the board of trustees, to be administered by the chairman or clerk of the board, that he will faithfully and impartially execute the duties of his office, without fear, favor, or affection; and shall also give bond, with good security, to be approved by the board, in such penalty as the board of trustees may fix, conditioned for the faithful discharge of the duties of his office, and upon which he may be liable to motion before the police judge, or motion or suit in courts having jurisdiction in similar cases on bonds of constables for failure to discharge any duty, or to pay over any taxes or money which ought to have been collected by him. Said bond shall be executed in and approved by the Morgan county court, and shall contain the same covenants as constable's bonds, and for collection of town taxes and payment of same.

§ 15. All taxes shall be due and owing from the marshal on the first day of August each and every year, at which time, or the first regular meeting of the board of trustees in said month, he shall make a full settlement and be prepared with his delinquent list, to be presented to the board of trustees for allowance.

§ 16. The board of trustees shall have power to appoint a clerk, who shall keep in a fair and legible hand a true record of all the proceedings of the board in a book kept for that purpose; and shall also register in a separate book, in a fair hand, all the ordinances and by-laws which may be adopted by the board. Said clerk may be removed at the pleasure of the board. The board of trustees shall allow him a reasonable compensation for his services, not exceeding fifty cents for each regular meeting of said board.

§ 17. It shall be the duty of the trustees, at the first meeting after the annual election, or as soon thereafter as possible, to appoint an assessor, who, after being first sworn faithfully to discharge the duties of his office, shall call upon the owners of taxable property in said town, or their agents, and make out a true list of their taxable estate, real and personal, with the value thereof; and this shall be made upon the oath of

the tax-payer or his agent. In the absence of either, the said assessor, if a resident of town, have a notice, as now required by law for assessors of this Commonwealth, and be subject to like penalties; if, after notice, shall fail to appear and give his or her taxable list. If the property owned in said town by non-residents thereof, the said assessor shall cause the same to be valued by two respectable citizens of said town competent to affix the value, and return the valuation thereof. If the assessor should not be satisfied with value fixed by the tax-payer, he may call upon two or more persons to give their estimate of the value thereof, who shall be sworn by said assessor, and said assessor shall affix the true value from all the evidence and return the same. Said lists shall embrace all the real estate in said town, laid off in town lots; all the males over twenty-one years of age, with all other species of property, money, notes, and choses in action now taxable for State revenue, exclusive of the ordinary household furniture; and if any one shall refuse to give in such list, he or she shall be double taxed on the value of their property, to be ascertained by the oaths of any two respectable housekeepers of said town, to be recovered, with costs, by warrant, before the police judge of the town, in the name of the Commonwealth of Kentucky, for the use of said board of trustees, without regard to the amount claimed. The said assessor shall return his list within one month after his appointment, and may be fined for failure to do so upon motion of the trustees, upon five days' notice, before the police judge, in a sum not less than ten nor more than twenty dollars. Said assessor shall be paid by said trustees out of the revenues of the town for his services such sum as may be deemed by them reasonable.

§ 18. The trustees shall have the power to levy a poll-tax of not exceeding one dollar upon each male adult inhabitant of the town, and an ad valorem tax of not more than twenty-five cents upon each one hundred dollars of taxable estate in said town. The trustees shall have power to tax all theatrical performances, shows, and exhibitions within the limits of said town in any sum not more than twenty dollars in any one day for each performance, show, or exhibition. They

may license drays, wagons, carts, hacks plying or hauling through said town for hire, and may appoint extra police officers when the emergency requires it.

§ 19. The said town shall have a lien on all the real and personal estate in said town liable for taxes until all the taxes due by the owners thereof shall be paid. The taxes shall be collected by the marshal, and said marshal shall have the power to levy and distrain for taxes which the sheriff of the Commonwealth now have, and may levy upon and sell for taxes and costs of sale the personal property within said town of any person whose taxes remain unpaid, in the same manner that personal property is sold under execution; and if, on the first day of January in any year, there may be due and unpaid any tax or taxes on any lot or fraction of a lot in said town, and the owner thereof has no personal property in said town out of which said taxes can be made, it shall be the duty of the trustees to cause to be published in a newspaper a list of all the lots and fraction of lots on which tax or taxes may be unpaid, and also the amount due upon each lot and fraction of a lot respectively for one week, and announcing upon what day said lots or fraction of lots will be sold, or so much of said lots or fraction of lots as will be necessary to pay the tax or taxes due thereon respectively; and a copy of said list as published, accompanied by the affidavit of the editor or publisher of such paper that such publication was made as was required by this action, shall be recorded in the clerk's office of Morgan county court, and when so recorded shall be *prima facie* evidence that said publication was made, and an attested copy thereof may be used on the trial of any cause, and shall have the same force and effect of other attested copies as now authorized by law. If the tax or taxes thus due and advertised are not paid on or before the day appointed for sale of said lots or fraction of lots on which they are due, it shall be the duty of the marshal to expose the same to sale on the day appointed, or so much of the same as may be necessary to pay the tax or taxes due on them respectively, to the highest bidder for cash. The sale shall take place at such time in the day and at such place in the town as he may

appoint, and he shall convey by deed duly acknowledged to the purchasers the lots or fraction of lots as he may sell, which deed shall pass the title to the purchaser: *Provided, however,* That all real estate thus sold for taxes in said town may be redeemed at any time within five years by the original owner or owners, or their assignees, by paying the purchaser or his heirs or assignees, his purchase-money, with interest at the rate of thirty per cent. per annum on the sum paid him, and all costs of said sale: *And provided also,* That infants, *femes coverts*, and persons of unsound mind, shall have two years after their several disabilities are removed to redeem their property.

§ 20. That if for any reason the board of trustees may not think proper to intrust the marshal with the collection of the taxes or other revenues of the town, or said marshal shall be unable or refuse to perform that duty, they shall have power to appoint a collector, who, after taking an oath and executing bond before the board of trustees as required of the marshal, shall have full power and authority to perform all the duties required of the marshal in the collection of the taxes and other revenues of the town, and his acts so performed shall have the same validity and effect as performed by the marshal, and he shall receive such compensation for his services as herein allowed the marshal of said town.

§ 21. That the board of trustees may appoint a street commissioner, who may be removed by said trustees at any time and another appointed.

§ 22. The police judge shall have jurisdiction, as specified in the sixth section of this act; and all fines inflicted before him shall be for the use of the board of trustees. All warrants for the breaches of the by-laws and ordinances shall run in the name of the Commonwealth of Kentucky, for the use of the board of trustees of West Liberty, and other warrants in the name of the Commonwealth of Kentucky. That all fines for violation of the laws of the State inside of the corporate limits of said town shall be paid into the treasury of said town, as well as those for a violation of the by-laws or ordinances of said town.

§ 23. The marshal shall be, by virtue of his office, supervisor of the public streets and alleys of said town; but the trustees may appoint at their pleasure a street commissioner to act in his place and stead.

§ 24. The board of trustees shall have power to pass all needful by-laws and ordinances for the due and effectual administration of right and justice in said town, and for the good government thereof; may legislate on all subjects which the peace, order, and welfare of said town may require, unless restrained by the terms of this charter, or the Constitution and laws of the State; they may affix such penalties for a violation of any of their by-laws or ordinances, not exceeding fifty dollars in each case, as they may deem the good government of said town shall require. All new ordinances of said town shall be published, or written out in a fair and legible hand, and posted at two or more public places in said town. The board of trustees shall have power to provide by ordinances for the suppression of houses of ill-fame, bawdy-houses, gambling-houses, houses which are a common resort for idle, dissolute, and disorderly persons, and other nuisances within the limits of said town; and for any willful neglect of the police judge or marshal to enforce said ordinances, or any of them, they, or either of them, may be proceeded against in the circuit court by indictment, and fined any sum not exceeding one hundred dollars, at the discretion of the jury.

§ 25. The board of trustees shall have power to appoint a treasurer, and of him require a bond for a faithful performance of his duty, imposed on him as treasurer of the town of West Liberty, and he shall keep a strict account of all amounts received by him and paid out by order of the board of trustees, and settle his accounts on the first day of June and January each year, and on vacating his said office.

§ 26. The board of trustees shall have the power, at any time within two months after the assessor has returned his books, to hear complaints, and change or reduce or correct the tax-list of any person assessed in said town; and may assess at any regular meeting any person or property omitted by the assessor, after first giving the person or owner of

the property ten days' notice of such intention through their clerk.

§ 27. The trustees shall have power to require proper sidewalks and pavements made on any or all sides of the public lot of ground [belonging] to Morgan county, and known as the "court-house property;" said sidewalks and pavements to be made in accordance with the general work of the town of a similar character, the whole to be done at the expense of the county of Morgan, and under the direction of the trustees of the town; and the county court shall levy a tax to pay for said work at the first court of claims after the completion of the work; and upon the failure or refusal of the county court to levy such tax, the trustees of the town may apply to the judge of the Morgan circuit court, who shall issue a mandamus compelling said county court to levy and collect an amount sufficient to pay said work and costs incurred, and pay the same to the trustees of said town.

§ 28. The trustees shall have power specially, in addition to the other powers granted by this charter—

First. To prevent, abate, and remove nuisances, at the cost and expense of the owners or occupiers, or of the parties upon whose ground they exist; and to define and declare, by ordinance, what shall be a nuisance within the limits of the town; and to punish by fine any person for keeping, causing, erecting, or committing a nuisance.

Second. To establish, erect, and keep in repair bridges, culverts, and sewers, and regulate the use of the same, and cover them over when the interest of the public requires it.

Third. To provide for lighting the streets, market-houses, and public buildings, rooms, and offices.

Fourth. To establish, support, and regulate policemen, night-watches, and prescribe their duties and compensation.

Fifth. To erect market-houses, establish market places, and provide for the government and regulation thereof, and appoint inspectors of the articles sold therein, and to provide for the condemnation and destruction of stale, unwholesome meats or vegetables.

Sixth. To erect, make, and repair wharves and docks, and to regulate and fix the rate of wharfage thereat.

Seventh. To regulate the stationing or anchoring of vessels or boats or rafts within the town limits, and the depositing freight and lumber on the public wharves.

Eighth. To license, tax, regulate, restrain, and prohibit billiard tables, tipping-houses, bowling-saloons, and ten-pin alleys.

Ninth. To suppress gaming, drunkenness, gambling-houses, and disorderly houses of all kinds.

Tenth. To regulate the sweeping or cleaning of chimneys, and to fix the fees therefor, and prescribe the manner of their collection.

Eleventh. To regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton, and all other combustible materials, and to appoint some suitable person or persons, at reasonable times, to enter and examine such houses as they may designate in order to ascertain whether any of such houses are in a dangerous condition with reference to fires, and to cause such as are in a dangerous condition to be immediately put in secure order and condition.

Twelfth. To erect and keep in repair accurate public scales, and appoint a public weigher to attend to the same, and fix fees and compensation for his services.

Thirteenth. To provide for the prevention of training or breaking horses, or exhibiting stallions in the public streets and places of the town.

Fourteenth. To provide for the removal from the limits of the town, or killing of mischievous or vicious animals, and for the punishment by suitable fines and penalties of the owner or keeper of such animals for allowing them to go at large.

Fifteenth. The board of trustees shall have power to appoint or employ an attorney to prosecute for and on behalf of the board of trustees all prosecutions in which the board of trustees may be interested, and to allow him a reasonable compensation therefor.

Sixteenth. The board of trustees shall have power to purchase lands for, and locate cemeteries, either within the town

limits or elsewhere in Morgan county, and exercise full and complete control over the same, and enforce the proper regulation and management thereof by adequate fines and penalties.

§ 29. All persons residing in said town shall be exempt from working roads beyond one half mile outside of the corporation of said town.

§ 30. The board of trustees shall have power, if the office of marshal shall become vacant by removal, resignation, or any other cause, to appoint another to fill the unexpired term, or if he shall fail to qualify after elected, to fill the vacancy.

§ 31. All ordinances passed by the board or by-laws shall go into effect in ten days after their passage, unless declared by an order of the board to take effect at an earlier day.

§ 32. The trustees shall have the power to pass ordinances to permit persons fined for violation of any ordinance to work the same out on the public streets or alleys of said town.

§ 33. That all laws and parts heretofore passed, either general or special laws, by statutes or otherwise, in conflict with this act, be, and the same is hereby, repealed.

§ 34. This act shall take effect from its passage.

Approved February 25, 1884.

CHAPTER 243.

AN ACT authorizing the county court of Wayne county to levy an ad valorem tax for general county purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Wayne county, a majority of the justices of the peace for said county concurring therein, may, from henceforth, at the regular court of claims holden in the month of October for said county, levy an ad valorem tax upon all the taxable property of said county not exceeding ten cents on each one hundred dollars' worth of property listed for taxation in said county, for any one year.

§ 2. Said tax so levied by this act shall be collected by the sheriff of said county, in the same manner, and at the same time the county revenues are collected.

§ 3. Said sheriff shall be liable on his county levy bond for the collection and payment of said tax in obedience to the orders of said court.

§ 4. Said sheriff shall be allowed for his services in collecting and paying over said tax the same that is now allowed by law as in cases of revenue.

§ 5. Should said sheriff fail to collect and pay over said tax within the time now prescribed by law for collecting and paying the county levy tax, the county court, or any creditor of said county, shall have the same remedies as are now allowed by law against sheriffs for a failure to collect and pay county levy tax.

§ 6. This act shall take effect from and after its passage.

Approved February 26, 1884.

CHAPTER 244.

AN ACT to amend an act incorporating the town of Bethlehem, in Henry county, approved sixteenth March, one thousand eight hundred and seventy-eight.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of section first of said act as appoints Sewell, Magruder, and Jones trustees, is hereby repealed, and I. W. Booth, John Flexner, and Winfred Jessee are appointed trustees of said town in their room and stead, who shall hold their office until the first Monday in August, one thousand eight hundred and eighty-four, and until their successors are elected and qualified, at which time their successors shall be chosen by the qualified voters of the town as in the charter made and provided.

§ 2. That said trustees shall have power and authority to grant tavern, hotel, restaurant, saloon, nine and ten-pin alley license in said town, and regulate the sale of spirituous, vinous, or malt liquors in said corporation, and fix the tax or license therefor, not, however, to exceed one hundred

dollars in any one case; but no such license shall be a protection until the license of fifty dollars now required by law shall be paid to the trustee of the jury fund of Henry county.

§ 3. That section seven (7) of act approved the sixteenth March, one thousand eight hundred and seventy-eight, be, and the same is hereby, repealed, and the balance of said original charter, except as aforesaid, is hereby re-enacted and adopted.

§ 4. This act shall take effect and be enforced from and after its passage.

Approved February 25, 1884.

CHAPTER 245.

AN ACT empowering the county court of Anderson county to levy and collect a tax for the purpose of building a jail and jailer's residence.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Anderson county be, and it is hereby, authorized and empowered to levy a tax, not to exceed fifty cents on the one hundred dollars for any one year, to be used by said county court in building a new jail and jailer's residence for said county, in the town of Lawrenceburg.

§ 2. Said tax to be collected in the same way and at the same time that the State and county revenue is collected.

§ 3. This act to take effect from and after its passage.

Approved February 26, 1884.

CHAPTER 246.

AN ACT to regulate the fees of justices of the peace of Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That justices of the peace of the county of Harrison, for each day's attendance as members of the county court,

shall severally receive as compensation the sum of three dollars.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

§ 3. This act shall take effect from its passage.

Approved February 26, 1884.

CHAPTER 247.

AN ACT to amend an act approved February the ninth, one thousand eight hundred and seventy-two, authorizing and empowering the county court of levies and disbursements of Rockcastle county to levy an additional capitation and ad valorem tax for the purpose of building a court-house and clerks' offices, and so forth, for Rockcastle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section first of said act be amended by striking out the word "twenty," in the fifth line of said section, and inserting in lieu thereof, the word "thirty."

§ 2. This act to take effect from and after its passage.

Approved February 26, 1884.

CHAPTER 248.

AN ACT to incorporate the Deposit Bank of Vanceburg, Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a bank of deposit in Vanceburg, Lewis county, Kentucky, with a capital of twenty-five thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter provided, and the subscribers, their associates, successors, and assigns shall be a body-politic and corporate, by the name and style of the Deposit Bank of Vanceburg, and shall so continue for the space of twenty-five years from its organization; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts

and places whatsoever ; it may have a common seal, and change and renew the same at pleasure.

§ 2. Said bank shall be under the control and direction of five directors, each of whom shall be stockholders ; they shall be residents of this State, and after the first election shall be elected annually on the first Monday in January in each year, and hold office until their successors are elected and qualified. They shall elect one of their number president of the bank, and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be held whenever deemed necessary ; and in case of the death, resignation, or inability to serve of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said company remaining unsold as they may at any time choose to sell ; to declare dividends of the profits arising from the profits of the business, and to appoint such officers, agents, and clerks as they may deem necessary to conduct the business of the bank, and pay them such compensation, and take from them such bonds to secure the due and faithful performance of their duties as they shall think proper and reasonable ; the stock shall be deemed personal property, and shall be assignable, but only by transfer, entered upon the books of the bank, and the bank shall have a prior and superior lien upon the stock to secure any indebtedness by the stockholders to it.

§ 3. Geo. M. Thomas, Socrates Rugels, Wm. M. Bireley, A. H. Parker, and W. C. Halbest are hereby appointed commissioners (any three of whom may act) to open books and receive subscriptions to the capital stock, and when fifty shares have been subscribed, it shall be their duty to give notice, by printed advertisement or otherwise, and appoint a day for the election of a board of directors, who shall hold their offices until the ensuing election. The payment for the shares subscribed shall be made as follows : Five dollars on each share within ten days of the time of subscription, and twenty dollars on each share in twenty days after the election of the first board of directors, and the residue in installments of twenty-five dollars on each share every thirty

days : *Provided*, That after five thousand dollars shall have been paid, the board of directors shall have power to prolong the time for the payment of the residue ; and should any of the subscribers fail to pay for their subscriptions of stock as herein provided, after giving them notice for thirty days of their intention, the directors may, by resolution entered on their records, forfeit such stock, and resell the same at such time as they may deem expedient; and all partial payments made on any stock which shall be thus forfeited, shall be held for the benefit of the corporation ; said corporation may commence business when five thousand dollars shall have been paid in, and the president and directors first elected have made oath to the fact of such payment before some judge or justice of the peace.

§ 4. Said bank may receive deposits of gold, silver, bank-notes, and other notes which may be lawfully circulating as money, and repay the same in such manner, at such time, and with such interest, not exceeding six per centum per annum, as may be agreed upon with the depositors by special or general agreement; may deal in loaning money, exchange, promissory notes, and other evidences of debt; take personal and other securities for the payment thereof, and dispose of the latter as may be agreed upon in all respects as natural persons may do under the common law; and promissory notes made negotiable and payable at its banking-house, or at any bank incorporated under the laws of this State, and which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange; and the bank may have the same remedies thereon against the payors and assignors of such notes as against the drawer, acceptor, and indorser of foreign bills of exchange, as provided by the laws of the Commonwealth.

§ 5. The said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be necessary and convenient for the transaction of its business, or which may be mortgaged or conveyed to it as security for any loan or debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same by deed duly signed and acknowledged by the president of

the bank; and they make such by-laws for their government as they may deem necessary: *Provided*, The same are not contrary to the Constitution and laws of this State or of the United States.

§ 6. It shall be the duty of the cashier of the bank, on the first day of July in each year, to pay into the Treasury of the Commonwealth at the rate of fifty cents on each one hundred dollars' worth of paid-up stock in said institution, which shall be in full of all tax or bonus against the bank, or the stock owned and held therein; and the stock of the bank shall be exempt from taxation by the county of Lewis and town of Vanceburg, and precinct or district in which the town aforesaid is situate, from any and every tax levied therein, for any and all purposes, for ten years from the organization of the bank.

§ 7. It shall not be lawful for said bank to issue any note or bill to be passed and used as currency.

§ 8. Said bank may receive deposits from minors and married women, and the checks, receipts, and acquittances of such minors and married women shall be good and valid and effectual in law, to protect the bank from any and all liability to the parent, guardian, or husband of such minor or married women.

§ 9. In all elections for officers and directors of the bank, each owner of stock shall have one vote for each and every share of stock owned by him.

§ 10. The capital stock of said bank may be increased to any sum not exceeding fifty thousand dollars, whenever at a meeting of the stockholders of the bank a majority of the stock held therein shall vote an increase of the capital stock thereof; and said increase of capital stock may be had at different times, and in different sums, according to the will of the stockholders, as expressed, from time to time, at any meeting of which each owner of stock shall have had at least ten days' actual notice before said meeting: *And provided*, That such increase of capital stock shall be subscribed, paid for, and held as the other and original stock in the bank is subscribed, paid for, held.

§ 11. This act shall take effect from its passage, and continue in force twenty-five years.

Approved February 26, 1884.

CHAPTER 249.

AN ACT for the benefit of the Warren Memorial Presbyterian Church, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Warren Memorial Presbyterian Church, of Louisville, is authorized and empowered to borrow twenty thousand dollars, for the purpose of completing its church at the southwest corner of Fourth avenue and Broadway, in Louisville, and to issue bonds, with coupons for interest, for that amount, in sums of five hundred dollars, payable in twenty years from date, with the privilege of calling in and paying same, or any number of same, after two years from their date, bearing interest from date at the rate of six per cent. per annum, payable semi-annually. And to secure said bonds the said church, by its trustees, is authorized and empowered to execute a mortgage or deed of trust upon said church property at the southwest corner of Fourth avenue and Broadway, in Louisville.

§ 2. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved February 26, 1884.

CHAPTER 250.

AN ACT to reduce into one and to repeal the present charter of the town of Nicholasville, and the several acts amendatory thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That so much of the county of Jessamine as shall be contained within the following lines, to-wit: two lines running parallel with Main street of said town, the one twelve

hundred yards east and the other twelve hundred yards west thereof, and two lines running parallel with Main cross street of said town, the one twelve hundred yards north and the other twelve hundred yards south thereof; and said lines so extended that the north and south lines shall intersect with the east and west lines at right-angles, and shall be, and the same is hereby declared to be, the town of Nicholasville.

Municipal powers vested in a board of councilmen, of whom to consist and when elected.

That the prudential, fiscal, and municipal powers of the town of Nicholasville shall be vested in a municipal board, to be known and styled the Board of Councilmen of Nicholasville; said board is to consist of a mayor and seven councilmen; said councilmen to be elected on the first Saturday in April each year, and to hold their respective offices for one year, or until their successors are elected and qualified.

Boundaries and wards.

§ 2. That the town of Nicholasville shall be laid off into four wards as follows, to-wit: Ward number one: beginning at a stone at the intersection of Main street and Main cross street; thence south twelve hundred yards with center of Main street to the town limits; thence with the boundary of the town, in a westernly direction, to where the limit line goes in a northern direction; thence with the limit line to the Harrodsburg pike, a point twelve hundred yards west from the beginning; thence with the Harrodsburg pike and Main cross street easterly to the beginning. Ward number two: beginning with the intersection of Main cross streets, thence in a northern direction with Main street twelve hundred yards to the limits of the town, to a point in the centre of Main street; thence westernly with the limits of the town to a point where the limit line goes in a southern direction to the Harrodsburg pike, a point twelve hundred yards from the beginning; thence with the Harrodsburg pike and Main cross street, easterly, to the beginning. Ward number three: beginning at the intersection of Main street and Main cross street; thence in an eastern direction to the center of East street; thence southernly one hundred feet to a stone on East street; thence easternly to the eastern boundary of J. W. Buky's residence lot; thence northernly to the center of Main cross street; thence easternly with Main cross street to a point opposite the eastern line of J. W. Buky's mill lot;

thence one hundred yards in a northern direction; thence westernly parallel with Main cross street, until the line intersects East street at Dorman's coal yard; thence with East street, in a northern direction, to the town limits; thence west to the center of Main street, twelve hundred yards from the beginning; thence with Main street, in a southern direction, to the beginning. Ward number four: all the remaining area in the town of Nicholasville, not included in wards numbers one, two, and three, as heretofore described, shall constitute the fourth ward.

§ 3. That the qualified voters of said wards shall be entitled to and elect respectively the number of councilmen hereinafter apportioned to each, to-wit: ward number one, two; ward number two, two; ward number three, one; ward number four, two.

Trustees—apportions.

§ 4. The councilmen elected as herein provided shall, within ten days after their election, and after first being duly qualified, meet and elect a mayor for said town, who shall hold his office for one year from the time of his election, or until his successor is elected or qualified. He shall preside at all meetings of the board of councilmen, and in case of a tie shall have the casting vote. He shall call meetings of the board when, in his opinion, the interest of the town demands it, or a majority of the board of councilmen may require it; and it shall be his further duty to see that all ordinances, rules, regulations, and laws of said town are duly executed.

Election of mayor by council.

Mayor to preside at all meetings of the board.

May call meetings.

§ 5. The mayor and board of councilmen, before they enter upon the duties of their respective offices, shall take an oath before some officer authorized and qualified to administer oaths that they, and each of them, will faithfully, and without partiality, fear, favor or affection to any one, perform their duties as such officers during their continuance in office.

Mayor and councilmen to take oath.

§ 6. No one shall be eligible for the office of mayor of said town unless a citizen and resident of said town for the space of two years immediately prior to his election.

Qualifications of mayor.

§ 7. That said board and their successors shall be a body-politic and corporate, and shall be known by the name and

Board to be a body-politic and corporate powers.

Vested with the
rights of former
trustees.

style of "The Board of Councilmen of the town of Nicholasville," and by that name shall be capable and entitled in law of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered, and of defending and being defended, in all courts and places, and to do all acts, matters, and things which a body-politic and corporate having perpetual succession can lawfully and rightfully do; and the said body-corporate, under the said name and style, are hereby fully invested with all claim, right, title, and interest in all rights of action, assets, and claims claimed by or vested in the former trustees of said town, and the title to all the real or personal estate, now held and owned by or vested in the trustees of said town, are hereby vested in the board of councilmen, and their successors in office, to be held and disposed of as hereinafter directed.

Board may sell
and dispose of
property.

§ 8. *First.* That the said board of councilmen, or a majority of them, shall have power to sell and dispose of such property or lots as they may have the right and title to, and provide for the reinvestment or expenditure of the funds arising therefrom for the benefit of said town: *Provided,* That no such sale shall be made as will interfere with the vested rights of any of the inhabitants of said town.

Make and re-
ceive convey-
ances.

Second. They shall have power to make or receive any and all necessary conveyances in relation to said town.

Open and im-
prove streets.

Third. They shall have the power to open, lengthen, straighten, alter, and improve the streets, alleys, and sidewalks in said town, in such a manner as they may deem most beneficial to the interests thereof.

Make regulation
in regard to con-
tagious diseases.

Fourth. To make regulations to prevent the introduction or spread of contagious diseases in the town; to pass quarantine laws for that purpose, and to enforce the same within two miles of the boundaries of said town.

Establish hos-
pital and pest-
house.

Fifth. To establish a hospital and pest-house whenever necessary, and to make and enforce all needful regulations for the government thereof, and to make all needful rules and regulations they may deem necessary to secure the general health of the inhabitants of the town by such means,

and under such penalties, as they may see fit to impose under the restrictions hereinafter to be set forth.

Sixth. They shall have power to declare what are nuisances, and to prevent, abate, or remove any and all nuisances at the cost and expense of the owner or occupier of premises whereon the said nuisance may exist; and to punish, by fine or imprisonment, or both, any person who may cause, keep, erect, permit, or commit a nuisance; and jurisdiction in such cases is invested in the recorder's court of said town established by the charter.

Declare what are nuisances.

Seventh. To suppress gaming, drunkenness, gambling-houses, and disorderly houses of all kinds, under such penalties as prescribed by the laws of the State and this charter, full jurisdiction being given to the recorder's court of said town.

Suppress gaming, &c.

Eighth. They shall have full power to regulate the storage of gunpowder, coal oil, alcohol, and other combustible materials, and cause the same to be kept stored at such place or places, and in such a manner as they may deem prudent and fit, under a penalty of not exceeding fifty dollars for each violation of such law; and the recorder of Nicholasville shall have full jurisdiction thereof.

Regulate the storage of powder &c.

Ninth. To provide for the security of the town against fire, they may organize a fire company, defining the duties of the members thereof, and provide for its efficiency, by punishing by fine all those who shall fail to perform the duties required.

Provide against fire.

Tenth. To appoint a treasurer as custodian of the funds of said town, whether arising from taxation, fines, sales, or otherwise, and also a clerk of the board of councilmen; and they shall require of them bonds or covenants, with security, approved by the board of councilmen, payable to the said board, and their successors in office, in such a penalty as such board may direct, conditioned for the faithful performance of their respective duties; and for a violation of such conditions of said bonds or covenants, or duties of said officers, suits may be brought and motions made before the recorder's court, who shall have exclusive jurisdiction thereof in the same manner, and under the same rules and regula-

Appoint a treasurer, clerk, &c.

tions, that suits are brought and motions made in the county and circuit courts against other officers for failure of duty.

Levy and collect
taxes—how col-
lected.

Eleventh. They shall have power to levy and collect an ad valorem tax on the property in said town, including real, personal, or mixed, and which the citizens and persons owning property within the town limits are required to give in for State taxation, including that under the equalization laws, not exceeding fifty cents on the one hundred dollars in any one year, and a poll-tax on each qualified voter not exceeding two dollars. For any tax to be levied under this law, there shall exist a lien in favor of the board of councilmen, for the use and benefit of the town of Nicholasville, upon the property of each tax-payer until the same is paid; and in case the owners of property shall fail to pay their taxes on or before the first day of November in each year, it shall be the duty of the town collector of taxes to sell at the courthouse door in said town, on some county court day, and the first day of the court thereafter, so much of the real, personal, or mixed estate of the person in default as will pay off and discharge the taxes and costs incident to the collection of such defaulter due to said board of councilmen, and which shall vest the purchaser with the title and right to hold the same: *Provided, however,* That the owner of the real estate so sold may, within two years from the date of such sale, redeem such estate by paying the purchaser thereof, or to the clerk of the board, such purchase money and ten per cent. per annum thereon; but if he or they fail to redeem such real estate as hereinbefore set forth within two years, the said board of councilmen shall cause the mayor to convey by deed to the purchaser the estate so purchased, under his own hand and official title, and said deed shall vest the full fee-simple title in the purchaser. Said sale shall be made under the direction of the board, and notice by the marshal of Nicholasville, after the delinquent has failed to comply with this law, and the regulations made thereunder.

Repair and keep
in order public
wells.

Have control of
burying grounds.

Twelfth. They shall have power to repair and keep in order the public wells and springs of said town at the common expense. They shall have entire control of the burying-grounds which they may hereafter purchase, and they

are hereby authorized to purchase grounds for a grave-yard or cemetery, and take the title to the board of councilmen of Nicholasville, which [title] shall continue in them and in their successors; and the board of councilmen of said town shall have power to dispose of any public burying-ground to which the board of trustees may now have the title, or to which they succeed as their successors in office as councilmen, after giving four weeks' notice thereof, by advertising the date and place of sale thereof, in any one or all papers published in Nicholasville, or by printed advertisements in four or more public places in said town: *Provided*, That the said board of councilmen, or the purchaser of said burying-ground, will reinter the bodies of the persons now buried therein in the cemetery or other place of interment at their expense, as the contract they may enter into may require.

Thirteenth. The board of councilmen of said town shall have power to require the owners of real estate therein to build, repair, and keep in repair the sidewalks or pavements therein in front of, or binding on their said real estate, and if the owner of any such real estate shall fail to build or repair the sidewalks or pavements in front of or binding on their said real estate for twenty days after the owner or occupant of said real estate have been notified by the clerk of the board of councilmen with, and by their authority, then the board of councilmen shall have the power and authority to cause said sidewalk to be built and repaired as aforesaid, at their own expense; and may sue the owner or owners of the property, whose duty it was to build, repair, and keep in repair the aforesaid sidewalks, and recover the amount so expended by building or repairing the same, and ten per cent. thereon, and cost of suit, in any court of competent jurisdiction; and they may have all the remedies to recover the same that any creditor may have to recover and coerce all debts due him; and in all cases under this section the recorder of Nicholasville shall also have full and like jurisdiction.

May require owners of property to keep in repair sidewalks, and proceeding in case of failure.

Fourteenth. The board of councilmen shall have the power and authority to license and tax all taverns, groceries, coffee-houses, victualers, confectioners, persons to

License.

retail spirituous, vinous, or malt liquors, alley or nine or ten-pin alleys, and all other houses of public resort or entertainment, circuses, or other tent shows in said town, and assess and collect a tax thereon, a sum not exceeding (\$350) three hundred and fifty dollars; but a license for the retail of spirituous, vinous, and malt liquors shall not be less than three hundred dollars per annum. All such licenses that may be issued under this charter for the purposes named shall be subject at any time to be rescinded or revoked by said board for legal violation or infringement of their terms by any such licensees, or their authorized agent; and such licensee or licensees or their agent shall not be authorized to act under such license until they shall have paid or tendered to pay to the clerk of the Jessamine county court or trustee of the jury fund of said county the taxes then due this State under the laws thereof under any such license, which taxes said clerk or trustee shall receive and receipt for when so paid or tendered, and account for according to law. Before the grant or issual of any such license, the licensee shall execute, with security to be approved by the board, a covenant to them conditions for a faithful and strict compliance with the law thereunder, and shall also take an oath faithfully to observe the same; and for any violation thereof, shall be subject to indictment by the grand jury of said county.

May borrow money for municipal purposes.

Fifteenth. The board of councilmen of said town, and their successors in office, shall have power to contract debts by borrowing money or otherwise for municipal purposes, to be used within said town, in any sum not exceeding two thousand dollars, and to give their corporate obligations to pay the same, which shall be enforceable as other similar corporate obligations, never, however, to bear a greater rate of interest than six per cent.

May appoint policemen — their powers.

Sixteenth. The board of councilmen shall have power to appoint from one to four policemen, which number may be increased as the exigency of the case may require, who shall have the same power to arrest and apprehend violators of the law, both penal and criminal, and also violators of laws relating to the town of Nicholasville and town ordinances,

that sheriffs and constables have, and may provide for the payment of the salaries of same.

Seventeenth. The mayor and board of councilmen shall have power, upon lands now provided, or such as may hereafter be provided, within or without the town limits, to erect a suitable building or buildings for a police station-house and for a work-house, or may use the work-house already erected, and in the police station-house shall be held and confined all persons arrested for any violation of any of the ordinances or by-laws of said town until his or her case is finally tried before the recorder's court of said town, or other court authorized to try such cases, unless such party so arrested shall give bail before said court in such sum as the court may direct for his or her appearance before therein for trial; and in the town work-house shall be confined all persons committed on final process of the recorder's court of Nicholasville, all beggars, bawds, bawdy-house keepers, or vagrants; all persons committed in default of bail, upon orders of said court, or any magistrate in said town or county, or the county judge, requiring surety for the peace or good behavior, or as suspected felons, or for other causes; and those put therein for short terms of imprisonment, for offenses committed in said town by said court, on *capias pro fines*, shall have liberty to work out the sums they are charged to pay at not less than fifty cents per day, the price to be regulated by ordinances of said mayor and board of councilmen, at such labor therein as they may be directed to do, or they may be worked upon the streets of said town; but all able-bodied persons put into said work-house for any of the causes aforesaid by said courts shall be compelled to labor at such labor as may be prescribed by ordinances of the mayor and board of councilmen of said town until discharged; and the mayor and board of councilmen of said town shall have power to pass all ordinances and by-laws for the police government and management of said police station and work-house. Said mayor and board of councilmen shall have power to compel any able-bodied person confined in said work-house to work under the superintendence of the marshal, or other person appointed by them, on any

Exact station
houses, work-
houses, &c.

May compel
persons confined
in work-house to
work on streets,
&c.

of the streets, alleys, or public grounds of said town, and allow the same rate per day for their labor as allowed for work in the work-house. Nothing herein is to preclude the party convicted from replevying the fine and costs assessed against him or her.

May license auc-
tioneers, &c.

Eighteenth. The board of councilmen shall have power to license auctioneers within the limits of said town, and for such license they may impose a tax not to exceed ten dollars per annum on each auctioneer. They shall have power to impose a tax, not to exceed twenty dollars for the first day and ten dollars for each subsequent day, upon all peddlers, itinerant or other merchants temporarily auctioneering or selling goods in said town.

May tax domes-
tic animals run-
ning at large

Nineteenth. They shall have power to impose a tax on all domestic animals running at large upon the streets of said town.

May tax insur-
ance companies
and their agents.

Twentieth. The mayor and board of councilmen shall have power to tax each and every insurance company doing business in Nicholasville, not less than fifteen dollars per annum for each such company so operating, and shall, in addition, tax each agent representing any insurance company not less than ten dollars per annum.

Clerk to keep
record of pro-
ceedings of the
board.

§ 9. *First.* It shall be the duty of the clerk of the board of councilmen to make at each meeting a full and complete record of their acts and doings, and record the same in a book kept for that purpose, and each law, regulation or ordinance passed by said board shall be spread at large by him on such record, and he shall furnish a copy thereof for publication in such manner as the board may direct.

To make copy of
assessor's book.

Second. It shall be the further duty of said clerk to make and deliver a certified copy of the assessor's book every year to the collector of taxes for said town, and take his receipt for same within one month after the same shall be reported to and received by said board.

To issue license.

Third. It shall be his duty to issue such licenses as are authorized by this act, and collect the price thereof, which he will pay over to the treasurer of said town, and make due report thereof to the board of councilmen at the next meeting thereof.

§ 10. *First.* It shall be the duty of the treasurer to keep a true and faithful account of all moneys received and paid out by him, and he shall render an account of the same to the board of councilmen whenever required by them to do so.

Treasurer to keep an account of all moneys received by him.

Second. The treasurer every year, ten days before the election of the board of councilmen comes on, shall make a public statement of the financial condition of said town, and therein exhibit the receipts and expenditures of said town for the last fiscal year, as well as its unpaid liabilities incurred.

And make public statement annually.

§ 11. The board of councilmen of said town shall annually appoint one town assessor, who shall take a list of all the taxable inhabitants and owners of property in said town, and affix against each separately the amount of his, her, or their whole estate within said town, subject to taxation under the laws of this Commonwealth, or any ordinance of said town, which lists shall be taken in the same manner that the revenue lists are now or may hereafter be taken for State and county taxation: *Provided, however,* That the tax-payers shall have right to appeal from said assessment to a board of commissioners of taxation appointed by the board of councilmen. Said commissioners shall be freeholders in said town, voters and discreet men, not less than three nor more than five in number, and they shall have full power to alter, change, and revise all assessments made by the assessor of said town on good and sufficient cause shown, and their decision shall be final. Such an appeal, however, must, in all cases, be made within sixty days after the assessment.

Assessor to be appointed and his duties and powers.

§ 12. The board of councilmen shall elect an attorney for said board and recorder's court, whose duty it shall be to give legal advice to the board when called upon, to prosecute all persons in said court charged with the violation of the criminal and penal laws of said town, and the by-laws and ordinances of said town, institute proceedings for the enforcement and forfeiture of recognizances and bail-bonds, and the enforcement and collections of all judgments against offenders, and for his services in every case he shall be en-

Attorney to be elected and his duties.

titled to, as his compensation, thirty per cent. of all fines and forfeitures collected: *Provided, however,* That in all jury trials, where the said attorney does receive a part of the fine, there shall be taxed a fee of two dollars and fifty cents against the defendant, if convicted, for the benefit of the attorney when collected. The board of councilmen shall give to the attorney a fixed salary, the amount to be determined by them.

<sup>Marshal to be
elected—his pow-
ers and duties.</sup>

§ 13. That the mayor and board of councilmen shall, within ten days after their qualification, elect a marshal for the said town, who shall hold his office for the term of one year from date of his appointment, and until his successor is elected and qualified; and whenever a vacancy occurs in said office, it shall be filled for the remainder of the term in like manner. The marshal, before entering upon the duties of his office, shall execute bond or covenant, payable to the board of councilmen, with security to be approved by the mayor and councilmen, that he will well and faithfully perform the duties of his office, and will pay over and account for all moneys collected by him upon fine, execution, warrant, fee-bill, or other things placed in his hands for collection, under the penalties and conditions of like bonds given by constables and sheriffs for the performance of their duties. It shall be the duty of the marshal to serve all process, precepts, notices, and other things directed out of any court of this Commonwealth, and make due return thereof; and he shall have the same power in the service thereof that constables and sheriffs now have under the laws of the State, and his jurisdiction shall be coextensivé with the limits of the county of Jessamine for the discharge of all of the duties of his office. It shall be his duty to collect all executions and other demands which may be put in his hands to collect, and account for and pay over the same to whomsoever may be entitled thereto, under the same rules and regulations required of constables in the collection of executions or other demands; and for failure of any of the duties required of him, he shall be subject to the same proceedings and penalties which may be had by law against constables or sheriffs in similar cases. He shall collect the taxes and revenue of said town, and

shall give bond, with security, to be approved by the board, for the faithful discharge of his duty, in addition to the bond given for the discharge of the other duties of his office; and he shall account for and pay over the same under the same rules and regulations required of sheriffs in the collection of State taxes; and for his failure to do so shall be subject to the same proceedings and penalties which may be had against sheriffs in similar cases. He shall be entitled therefor to such compensation as the board may fix; and in all other cases shall be allowed to charge and receive the same fees allowed constables in similar cases. Said marshal shall be vested with power and authority which is given to constables; and he shall have power, if need be, to summon all aid of the county in executing any process to him directed; and any person failing to aid him, when so summoned, may be fined not exceeding five dollars, or imprisoned not exceeding eight hours, by the recorder of said town or any justice of the peace of Jessamine county. The town marshal, policemen, and lawfully appointed night-watch of said town, shall have the same power to arrest felons, accused and disorderly persons, within the limits of said town, that is now given by law to the police officers of the city of Louisville. The marshal of said town may, by and with the consent of the board of councilmen, appoint two or more deputies, who shall take such oath as they may prescribe, and for their official acts the marshal and his sureties shall be held responsible under the same rules and regulations that sheriffs are now responsible for the similar acts of their deputies. For his services the said town marshal may be allowed an amount, not exceeding five hundred dollars per annum, out of any fund in the town treasury not otherwise appropriated. That said marshal and his deputies may be removed by the mayor and board of councilmen for cause.

§ 14. If any person shall be found drunk on the streets, or within the limits of the town of Nicholasville, they shall be fined not less than one nor more than five dollars.

*Penalty for
drunkenness.*

§ 15. If any person shall willfully interrupt or disturb a congregation assembled for the purpose of religious worship, or misuse or maltreat any person being there, or shall dis-

*Penalty for dis-
turbing religious
worship.*

turb or interrupt any lawful assembly or school exhibition, he shall be fined in a sum not less than five nor more than fifty dollars, or imprisoned not less than five nor more than twenty days, or both fined and imprisoned, at the discretion of the jury.

Penalty for selling or giving liquors to minors.

A recorder to be elected—his powers and duties.

§ 16. If any person shall sell, give, or loan any spirituous, vinous, or malt liquors, or any mixture of the same, to any minors, without the previous personal or written consent of the father, mother, or guardian, or shall suffer or permit any minor to have or drink any spirituous, vinous, or malt liquors, or any mixture of the same, on his premises, or premises under his control, he shall be fined the sum of thirty dollars, and if he be a vendor of ardent liquors, by license from the mayor and board of councilmen, he shall be fined sixty dollars. That the mayor and board of councilmen of said town shall, within ten days after their election, elect a judicial officer, to be styled the recorder of Nicholasville, who shall hold his office for the term of one year, and who shall act as the clerk of his own court; and whenever a vacancy occurs in said office by death or otherwise, it shall be filled by an election for the remainder of the term by the mayor and board of councilmen; that the recorder shall receive a commission as such from the Governor of Kentucky upon his receiving from the board a certificate of his election, and the same shall be filed with the clerk of the Jessamine county court for record. That before he enters upon the duties of his office he shall take an oath before some judicial officer to discharge the duties of his office faithfully, impartially, without favor or affection, to the best of his ability. The said recorder shall have jurisdiction in said town, and also in the town election precinct, of all civil causes of which justices of the peace have or may hereafter have jurisdiction, and of such other civil cases as may be returned before him, whether such cases originate in the town or anywhere else in the county. In all criminal cases the said recorder shall have the same jurisdiction as is now given by law to two justices of the peace of said county when acting as examining court. He shall proceed and adjudicate in like manner as said justices are required by law in criminal cases. The

recorder shall have jurisdiction of all cases of motion and suits against the treasurer, marshal, deputy marshal, clerk, or other officers of said town, for all sums of money, or other things which may be due from them or either of them. He shall have full power and authority to grant injunctions, attachments, restraining orders, writs of *ne exeat*, *habeas corpus*, and to issue warrants in civil or criminal cases, under the same rules and regulations prescribed by the several acts authorizing justices of the peace and county judges to so act; and it shall be the duty of said recorder to keep a record of his proceedings, certified copies of which shall be evidence, and shall have the same effect as other records. He shall have power to issue summons for witnesses to give evidence in causes pending before him, or to give their depositions, and upon their failure to attend, to issue compulsory process to cause their attendance. He shall have power to fine and imprison for contempt, provided the fine shall not exceed five dollars and the imprisonment eight hours. He shall have power to take depositions and to certify the same as justices of the peace or examiners now have; and his certificate to such depositions shall have the same effect as though made by such officers. He shall have power to order the marshal to summon a jury in any case before him when a jury would be necessary, as before a circuit court, county judge, or justice of the peace. He shall have a jury to try all matters before him if desired by either party, if the amount in controversy is more than sixteen dollars. Said recorder shall have power and authority to direct his process to be executed by any constable or the sheriff of Jessamine county, as well as the marshal of said town. The recorder shall be entitled to the same fees as are allowed by law to justices of the peace in all similar cases. In criminal cases, where the defendants are not found guilty, the costs of such cases cannot be taxed against the town treasury.

Fees of recorder.

§ 17. That when said recorder fails to attend any of his regular courts for the trial of civil actions therein, it shall be the duty of the mayor of the town to hold said court, and hold such court and enter its proceedings upon his records,

Who to act in
absence of re-
corder.

as though rendered by the recorder himself, and execution issue therein accordingly.

§ 18. Either party to any judgment rendered by the recorder's court, may appeal to the circuit or quarterly county court, under the same rules governing and authorizing appeals from justices of the peace to those courts.

Appeals may be taken from recorder's court.

§ 19. On all judgments in criminal, penal, and civil cases in said court, and breaches of the by-laws and ordinances of said town, the same writs of *feri facias* and *capias pro fines* shall issue as are by law allowed for the collection and enforcement of similar judgments in circuit and quarterly courts.

Writs of fi. fa.

§ 20. Any of the officers who shall fail, neglect, or refuse, except for sufficient cause, to execute any warrant, summons, and process, make due return of same, shall be fined not less than twenty dollars, upon motion of the town attorney in said court or of any party aggrieved, upon ten days' notice having been given the officer.

Penalty for failure of officers to perform duties.

§ 21. Any officer who shall fail to collect any *feri facias* or execute any *capias pro fines* issued from the recorder's court, and make due return thereof according to law, shall, with his sureties, be subject to all the damages and penalties now imposed by law upon sheriffs or constables for failing to collect, return, and pay over when collected in such process.

Penalty for failure to collect any writs of fi. fa. &c.

§ 22. No person shall be eligible for the position of recorder of Nicholasville, unless a citizen resident of said town for the space of two years.

Qualifications for recorder.

§ 23. It shall be the duty of all policemen and peace officers to arrest all disorderly or drunken persons, and take them before the recorder's court to be dealt with according to law: *Provided*, That when any drunk or disorderly person is arrested in the night time, the officer making the arrest may commit him to the county jail or watch-house or work-house until the next morning, when he shall be carried before the recorder's court, to be dealt with according to law; and the jailer of Jessamine county is hereby authorized and directed to receive such persons when arrested and in the custody of such an officer or officers, in the night time, without any order of commitment.

Police to arrest disorderly persons.

§ 24. That when any prosecution is instituted for a breach of any of the ordinances or by-laws of said town, the prosecution shall be in the name of the Commonwealth of Kentucky, for the use and benefit of the town of Nicholasville, and said town shall be entitled to the use and benefit of the fine or penalty assessed; and in case the defendant or defendants are acquitted, said town shall not be liable to the officers for costs.

Prosecutions to be in name of commonwealth.

§ 25. That all the fines and forfeitures for a violation of said ordinances or by-laws of said town, and in all cases cognizable before the recorder, shall be collected and paid to the treasurer of the town for the use and benefit of said town; and all moneys collected by judgments of the justices of the peace for a violation of any of the charter ordinances or by-laws of said town shall, in like manner, be paid over to the treasurer of said town.

Fines to be paid to town treasurer.

§ 26. No money shall be drawn from the treasury except by order of the board of councilmen in pursuance of allowance made by said board, certified by the clerk and indorsed by the mayor.

Money drawn from treasurer.

§ 27. The officer issuing any process authorizing and requiring bail, shall have the power and authority to take the bail.

Who to take bail.

§ 28. In the absence of a work-house, watch-house, or station-house, all persons upon their trial and conviction in the recorder's court of any crime or offense, shall be committed to jail until the fine and costs are paid or replevied: *Provided*, That the imprisonment shall not be longer than at the rate of twenty-four hours for each two dollars of said fine and costs: *And provided further*, That a writ of *fiery facias* may be issued at any time thereafter against the estate of the defendant or defendants for the amount of the fine and costs until the same are satisfied.

Persons may be committed to jail when there is no work-house, station-house, or watch-house.

§ 29. That the mayor and board of councilmen, ten days before an election of councilmen, shall cause printed or written notices of said election to be posted, one at the court-house door, and in five or more public places in said town, and shall, ten days before said election, appoint two

Officers of the election to be appointed.

competent persons to act as judges, and one to act as clerk at each voting place at which an election is to be held, who, after being duly sworn before a magistrate or the recorder, shall hold said election as hereinbefore provided: *Provided*, Said mayor and board of councilmen should fail to appoint judges and clerks of election as before named, the recorder of said town shall, on application of five good citizens, appoint such judges and clerks to hold said election: *Provided further*, That the first election of councilmen hereunder shall take place on the first Saturday in April, one thousand eight hundred and eighty-four, without any other or further notice of said election than that already given of an election to be held on that day, and that hereafter the regular election for board of councilmen shall be held on the first Saturday in April of each year; and it is hereby made the duty of the recorder to appoint the officers of said election in the same manner as is provided herein, in case the mayor and board of councilmen has failed to make said appointment.

Qualifications of voters.

§ 30. That in all elections held for the election of officers of the town of Nicholasville, the voters of said town shall consist of male citizens of said town, twenty-one years of age, and who have been *bona fide* citizens thereof one year preceding the election, and shall be residents of the ward in which they vote sixty days previous to the election; the residence of such persons shall be determined by the ward wherein their sleeping department is located, and must have paid all taxes assessed against them by the board of councilmen previous to the day of election; and the judges of the election may require of each voter proof that said taxes have been paid, unless known to them.

Present officers to continue in office until their successors qualify.

§ 31. That the present officers of said town shall continue in office, and perform all the duties required, until their successors are elected and qualified as required by law.

§ 32. That there shall be a digest of the ordinances and by-laws of said town which are of a general nature, published within three months after the passage of this act, and a like digest within every three years thereafter, which shall be printed in one of the town newspapers, or printed and posted in five of the most public places in said town.

§ 33. The board of councilmen of Nicholasville shall have power to license billiard and pool-tables; said license shall be twenty-five dollars on each table per annum.

License on billiard and pool tables.

§ 34. The collector of taxes, from and after the day he receives the tax-book in each year, shall proceed to collect the taxes of the town. All property taxed according to value shall be valued as of the tenth day of January preceding; and the person owning or possessing the same on that day shall list it with the assessor and remain bound for the tax, notwithstanding he may have sold or parted with the same: *Provided, however,* That this section shall not be construed so as to defeat the right of the board of councilmen to tax any person for doing business in said town after the regular assessment has been made, as provided in this act.

§ 35. All officers elected or appointed under the provisions of the charter, before they proceed to act as such, will, in addition to the oath or oaths thereby specially required, shall take the oaths prescribed by the Constitution of this State for all officials.

§ 36. The recorder's court, for the trial of civil causes as authorized hereunder, shall be held on the second Tuesday of every month in each year, and continue from day to day for the period of ten days, if the business of the court requires it (Sundays excepted).

§ 37. That no person shall be elected councilman of said town who has not been a resident for two years thereof preceding such election, and shall have paid all taxes assessed against him before qualifying as councilman.

§ 38. The first election for councilmen hereunder on the first Saturday in April, one thousand eight hundred and eighty-four, shall be held in accordance with the requirements of this charter. It shall be the duty of the present chairman and board of trustees of said town to appoint the required officers for holding the said election, and cause the same to be so held, and due report of the result thereof made to the said chairman and board as now required by law; and the said chairman and board of trustees shall cause certificates of election of the various councilmen of all of

the wards to be delivered to them within three days after the election. All *bona fide* citizens and residents of the various wards, as described in this charter, who shall comply with the provisions thereof, and who have paid their taxes due the town as required by law, and who were residents of the ward in which they desire to vote, and have been continuously so since February first, one thousand eight hundred and eighty-four, shall be entitled to vote at the first election under this charter. In the event of a failure to hold the first election herein provided for, the board of trustees so failing, each member thereof shall immediately, upon such failure, forfeit the office of trustee, and all acts thereafter done as such shall be null and void. That immediately after the failure to hold the election herein provided for, the sheriff of Jessamine county shall proceed to appoint all necessary officers required under this charter, and take all necessary steps and do all necessary acts for holding such election; and any election so held shall be as valid binding as though the same had been held by the regular board of trustees, provided he and they conform as nearly as may be with this charter. That he post or cause to be posted, at one of the most public places in each ward, a notice of the time and fact of holding such election, at least ten days before the same is to transpire.

§ 39. The board of councilmen shall have power to make or repeal all ordinances and by-laws necessary for government of the town, and the carrying out of the provisions and objects of this charter, not inconsistent herewith, and not in conflict with the laws of the United States or the laws of this State. All ordinances and by-laws of the said town now in force, and not in conflict with this charter, shall remain in force until repealed or modified by the board of councilmen herein established.

§ 40. The board of councilmen shall have power to fill all vacancies occurring in their board, for the unexpired time of said officer elected or appointed. When any two or more persons shall receive the highest and an equal number of votes for the same office, such election shall be determined by lot in such a manner as the board of councilmen may direct.

§ 41. The said board of councilmen shall have the power to prescribe penalties for the breach of all ordinances passed by them in pursuance of the power herein granted; and whenever the penalties have not been prescribed by this act, said penalties may be in any sum not exceeding one hundred dollars.

§ 42. The board of councilmen is hereby authorized and empowered to establish and maintain a system of common schools adequate to the wants of all the children within the limits of said town, and at which all children within the common school age applying for instruction and permission to attend; and said town, together with all the territory now embraced in school district number one, in Jessamine county, shall be deemed one district, and entitled to its proportion of the school fund. The said board of councilmen shall, through its mayor, make an annual report to the common school commissioner of Jessamine county, for the schools taught therein at the time and in a similar manner to that required of the trustees of a common school district; and said officer shall cause to be taken a census of all the children in said town within the school age, and make return thereof to such commissioner as and at the time trustees are required by the provisions of the common school law of this State, and shall, for neglect or violation of his duties in that respect, be liable to the same penalties. The commissioner shall have no control over the schools in said town, but the same shall be governed in all respects by the board of councilmen. All fines and forfeitures imposed and collected under the provisions of this charter, for the violation of same, or any ordinance or by-law made in pursuance of same, for the sale of spirituous, malt, or vinous liquors, after the payment of costs and commission, and also thirty-three and one third per cent. of all money collected for license to sell spirituous, malt, or vinous liquors in said town, shall be paid over to the treasurer, and shall go to and be paid out by him for the support of the schools provided for herein, and for no other purpose.

§ 43. The keepers of halls for the purpose of public exhibitions, concerts, or shows shall be taxed forty dollars per annum for each of said halls.

§ 44. All laws and parts of laws relating alone to said town in conflict herewith are hereby repealed.

§ 45. This act to take effect from and after its passage.

Approved February 29, 1884.

CHAPTER 251.

AN ACT to incorporate the Falls City German Mutual Fire Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Charles Mehler, H. H. Stienecker, Jacob Laib, August J. Meyer, Herman Lenker, Frederick Von Eye, Chas. Frendenberger, also Lewis Eckstenkemper, Philip Gernert, sr., Herman Marcus, Wm. Harlamert, Aloys Metzger, John Korfhoge, and Adam Schuster, their associates and successors, be, and the same are hereby, incorporated, under the name of "The Falls City German Mutual Fire Insurance Company," with their place of business in the city of Louisville; and are, for the purposes of their business, to have the ordinary corporate powers of perpetual succession, of a common seal, of suing and being sued, contracting and being contracted with in a common name, and of making by-laws for the government of their corporate affairs, not inconsistent with their act nor with the laws of this Commonwealth; and to hold property, real and personal, not exceeding one hundred thousand dollars in value. Their business and corporate purposes is to be this: to insure, on a mutual principle, buildings in the city of Louisville, and such goods and furniture within said city as are owned, or held and apparently owned, by the owners or holders and apparent owners of the buildings in which said goods or furniture are contained.

§ 2: All persons insuring with said company, and their heirs and devisees or representatives, holding the insured property, shall, whilst their policies are in force, be members of the corporation, and be entitled to vote at its meetings, and be eligible into its governing body; nor shall any one be deemed a corporator who does not hold a policy.

§ 3. The seven corporators first named in the opening clause of this act shall be the governing body of the company for the first year from and after the passage of this act, and until their successors are elected and have entered upon their trust, according to the by-laws which the corporation may adopt; in the absence such by-laws the election shall take place the last Friday in January of each year.

§ 4. The members of a certain voluntary society founded under the above name, among whom are the corporators herein named, shall be the first members of the corporation.

§ 5. The company may by its by-laws prescribe the terms of insurance, and the conditions on which the right of membership, as well as of indemnity for loss by fire, may be lost or surrendered.

§ 6. The society, when it elects the governing body, which is to consist of seven members, shall indicate in its choice which of them is to be the president, vice president, secretary, and treasurer, and may require from the two latter the giving of bond with surety for the performance of their duties. The governing body appoints from its midst a committee on assessments and one on adjustments. It may prescribe the form and terms of the policies.

§ 7. Where the risk on any property insured is increased by the erection of other buildings, or the commencement of any hazardous business in it or in its neighborhood, the company shall have the right to determine or cancel the policy on that property on equitable terms to be fixed in its by-laws.

§ 8. All members shall be personally bound for any assessments justly and ratably made against them towards the satisfaction of losses whenever the funds of the society arising from advance premiums are exhausted, or so nearly exhausted that assessments in the opinion of the governing body become necessary.

§ 9. The company shall not be dissolved as long as seven members adhere to it.

§ 10. The General Assembly reserves the right to amend or repeal this act.

§ 11. The company shall be subject to the general laws of the State concerning fire insurance companies of like nature, not inconsistent with the purely mutual plan herein authorized.

§ 12. This act shall be in force from and after its passage.

Approved February 29, 1884.

CHAPTER 252.

AN ACT to amend, revise, and reduce into one the several acts in relation to the town of Carrollton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the boundary of the town of Carrollton, in Carroll county, and the location of the streets and alleys thereof, shall be same as now established by law, except as hereinafter prescribed or as hereafter changed by the board of trustees under authority of this act.

§ 2. The municipal government of said town shall vest in a board of trustees, composed of five persons, one of whom shall, at the first regular meeting of said board, be chosen to preside over their meetings, and shall be styled chairman of the board of trustees. Said board may meet on the Thursday succeeding its election for organization, and shall take the oath of office prescribed for officers by the Constitution and laws of this State. A majority of said board shall constitute a quorum for the transaction of business. The trustees shall have no interest in any contract to which the town is a party.

§ 3. The board of trustees and their successors shall be a body-politic and corporate, and shall be known and styled "The Board of trustees of Carrollton," and by that name shall be capable in law, and in behalf of said town, of contracting and being contracted with, of suing and being sued, of defending and prosecuting, in all courts and places, and, generally, they shall have all powers incidental to municipal corporations. They may have a corporate seal.

§ 4. All the legislative power and authority of said town, together with the fiscal and municipal concerns thereof, and

the government and control of the same, shall be vested in the board of trustees.

§ 5 The officers of said town shall be as follows: a clerk, a police judge, town marshal, treasurer, attorney, assessor, inspector of weights and measures, policemen, and such other officers as the trustees may from time to time elect.

§ 6. A town election shall be held in said town on the first Thursday in May, one thousand eight hundred and eighty-four, and on the same day every year thereafter, at such place or places as the board of trustees may appoint, and of which ten days previous notice shall be given by notices posted in four public places in said town by the town clerk, or by two insertions in a newspaper published in Carrollton.

§ 7. At said election there shall be elected by the qualified voters of said town five trustees and a police judge, and the person or persons having the highest number of votes cast at said election, for either of such officers, shall be declared elected: *Provided*, No person shall be eligible to any of the offices mentioned in this section who is not a qualified voter of said town and has resided therein continuously for at least one year next preceding his election.

§ 8. The trustees shall hold their offices for the term of one year, and the police judge for the term of two years, and until the election and qualification of their successors respectively. All other officers mentioned in this act may continue in office one year and until their successors are elected and qualify, unless removed as provided in the next section.

§ 9. All officers mentioned in this act may be removed from office by a vote of the majority of all the members of the board of trustees. But no elective officer shall be removed except for cause, nor unless first furnished with the charges and heard in his defense, and the board of trustees shall have power to compel the attendance of witnesses and the production of papers when necessary for the purposes of such trial, and shall proceed within ten days to hear and determine upon the merits of the case, and if such officer shall

neglect to appear and answer to such charges, the board may declare the office vacant.

§ 10. Whenever any vacancy shall occur by the death, removal, resignation, or otherwise, of any member of the board, or any other officer of said town, the trustees shall fill the vacancy for the unexpired term.

§ 11. All male residents of said town over the age of twenty-one years, who shall, at the time of offering to vote, have resided in said town sixty days previous thereto, and who are qualified voters for State Representative, shall be entitled to vote at town elections; but no person shall be entitled to vote any such election until he has paid his town poll tax for the preceding years, except he has been exempted from the payment of such tax by the board of trustees as hereinafter provided.

§ 12. When two or more candidates for any elective office shall have an equal number of votes for the same office, the election shall be determined by lot in such manner as the board of trustees may direct, and in the presence of the board and at least three other persons.

§ 13. The board of trustees shall, before every town election, appoint suitable persons as officers of election, two judges, a clerk, and a sheriff. Officers of town elections shall perform similar services, and be entitled to like pay as officers at State elections, and shall be governed in all matters not inconsistent with this act, and be liable to the penalties imposed by the laws of this Commonwealth concerning elections.

§ 14. All town elections shall be held between the hours of six o'clock in the morning and seven o'clock in the evening.

§ 15. On the day after the town election, the sheriff of said election shall deposit with the clerk of the board of trustees the poll-book of the election. The town clerk shall examine the poll-book and ascertain the correctness of the summing up of the votes, and issue certificates of election to those who have received the highest number of votes at said election. The poll-books shall thereafter be kept with the other books and papers of the town. The board shall

judge of the qualifications, elections, and returns of its members, but in cases of contested elections for trustees or any town officer elected by the people, the contest shall be heard and determined by the contesting board provided in the next section of this act.

§ 16. The judge of the Carroll county court and the two justices of the peace residing nearest the court-house in said county shall be a board for determining contested elections for members of the board of trustees and police judge. Said board shall be governed in their proceedings by the rules and regulations specified in the General Statutes of Kentucky for determining a contested election for county officers.

§ 17. The contesting board shall be paid by the town a reasonable compensation for their services.

§ 18. The outgoing town clerk shall, after examining the poll-book of the election, except in contested elections, certify to the Secretary of State the name of the person elected for police judge of said town, and the Governor of this Commonwealth shall issue a commission to said officer, which shall by him be filed with the clerk of the Carroll county court, and shall be a part of the county record.

§ 19. Every person elected or appointed to an office under this act shall, before he enters upon the duties thereof, take and subscribe thereto such oaths, and execute such bond or bonds as may be required by the Constitution and laws of this State or of similar officers.

§ 20. The trustees shall annually appoint a clerk of the board. He shall have the custody of all the books, records, contracts, and all other papers and documents belonging to the town. He shall attend all the regular and called meetings of the board, and keep a correct and legible record of its proceedings. He shall receive a reasonable compensation for his services.

§ 21. The board of trustees shall annually appoint an attorney for said town. It shall be his duty to give legal advice to the board of trustees when called upon, and to be present at the meetings thereof. He shall draft all contracts, bonds, and other papers to which the town is a party. He

shall institute, prosecute, or defend all civil actions in which the town is interested, when directed by the board. He shall receive a reasonable compensation for his services, to be fixed and allowed by the board.

§ 22. There shall be appointed annually by the board of trustees a town treasurer, who shall execute bond with approved security, payable to the trustees of Carrollton, conditioned for the faithful discharge of all his official duties. He shall be the custodian of the town funds, and shall keep a true and faithful itemized account of all moneys received and paid out by him, and shall render an account of the same to the board at the expiration of the fiscal year, and at such other times as the board may direct.

§ 23. The town marshal shall, before entering upon the duties of his office, execute bond, with sureties approved by the board, payable to the trustees of Carrollton, conditioned that he will well and faithfully perform the duties of his office, and will pay over and account for all moneys collected by him as marshal to the treasurer of said town.

§ 24. It shall be the duty of the marshal to execute all orders, processes, notices, and writs to him directed from the police courts or trustees of said town; to examine and inspect the streets, alleys, and sidewalks of said town from time to time, and report to the board all needed improvements and repairs. He shall cause all dead animals lying in the streets or alleys to be buried. He shall be constantly on the streets of said town in day-time to prevent all offenses, and to arrest on his own view, or on reliable information, with or without warrant, all persons charged with crime or disorderly conduct within the corporate limits of said town; and he shall safely keep said persons by confinement in the jail of Carroll county, or otherwise, until such persons can conveniently be brought before the police judge, or some other magistrate, for examination and trial; and for this purpose the jailer of said county shall receive and safely keep all persons placed in his custody by said marshal. He may collect the town taxes, and shall perform such other duties as the board of trustees may direct. He shall receive a

reasonable compensation for his services, to be fixed and allowed by the board of trustees.

§ 25. The qualified voters of the town of Carrollton shall, on the first Thursday in May, one thousand eight hundred and eighty-four, and on the same day every two years thereafter, elect a police judge for said town. Said judge, before he enters upon the duties of his office, in addition to the constitutional oath, shall take an oath that he will discharge the duties of said office faithfully and impartially to the best of his ability, without favor or affection. Said judge shall have jurisdiction within said town of all misdemeanors, and of all causes, criminal or penal, of which justices of the peace have jurisdiction, and may by himself hold examining courts in felony cases. He shall be a conservator of the peace, and have jurisdiction over affrays, assaults and batteries, riots, routs, breaches of the peace, drunkenness, and disorderly conduct. He shall have exclusive jurisdiction of all offenses or causes arising from a violation of the ordinances or by-laws passed by the board of trustees. He shall keep a record of his proceedings, a certified copy of which shall be evidence in all courts of justice. In all other matters not herein mentioned he shall have concurrent criminal jurisdiction with justices of the peace, and be governed by the same laws and regulations; all trials before the police judge shall be held in Carrollton.

§ 26. The police judge shall issue process in the name of the Commonwealth, and make it returnable before himself as police judge of Carrollton, and directed to any marshal or any constable or sheriff of Carroll county. The police judge shall be entitled to the same fees as the justices of the peace for similar services, except that he shall be allowed one dollar for a warrant of arrest, and twenty-five cents for each subpoena.

§ 27. All fines and forfeitures collected on judgments of the police court shall be paid to the town treasurer for the use and benefit of the corporation.

§ 28. The board of trustees shall have power, from time to time, to require further and other duties, and fix the compensation of all officers whose duties are herein mentioned,

and prescribe the powers and duties of all officers appointed or elected to any office under this act, and fix their compensation ; and may, by appropriate ordinances, fix penalties for any violation the official duties of said officers.

§ 29. It shall be lawful for the board of trustees of Carrollton to assess, levy, and collect a tax on all real and personal estate within the limits of said town at the time of assessing such tax, not to exceed fifty cents upon a hundred dollars' worth of property in any one year, and also assess, levy, and collect a poll-tax from each male person of the age of twenty-one years and upwards, not to exceed two dollars and fifty cents in any one year. All taxable estate shall be valued as of the first day of May in the year listed. No person shall be liable to poll-tax unless he has resided in the town sixty days prior to the time of assessment.

§ 30. The board of trustees shall annually appoint a suitable person as assessor for said town. The said assessor, before he enters upon the discharge of his duties, shall take an oath before the trustees that he will truthfully and faithfully discharge the duties of said office according to the best of his knowledge and ability. The assessor shall take a list of the names of all persons residing within the corporate limits subject to poll-tax, and also the names of all persons owning property in said town, whether personal or real, subject to taxation for State revenue, affixing thereto the value of the taxable property owned by each individual, which list shall be returned to the clerk of the board of trustees within thirty days after the appointment of said assessor.

§ 31. The said assessor shall also report to the trustees a list of all the real estate lying within said town, the owner of which he can not ascertain, or who may not reside in said town, designating in said list the number of the lot or lots, and also the part or fraction of lot where it is not a full lot, and also the value thereof, which said list shall be returned at the same time, and in the same manner, as the lists of taxable property required to be returned by said assessor to the clerk of the board of trustees.

§ 32. If any person shall fail or refuse to give in a list of his or her property to said assessor, together with the valuation thereof under oath, it shall be the duty of said assessor to report the facts to the board of trustees, together with the amount of property, as near as he can ascertain, owned by such individual in said town; and thereupon the said trustees shall proceed upon the report of the assessor, and upon such information as they can obtain, to fix the amount with which such individual may be properly charged, and to collect the same in the same manner as if the list had been regularly given in to said assessor. It shall be the duty of the clerk to notify the chairman of the board of trustees of the return of said lists by the assessor, and thereupon said chairman shall convene said board as soon as practicable for the purpose of supervising said assessor's tax-lists.

§ 33. Said board of trustees shall examine with care said tax-lists and correct any errors of the assessor, whether in fact or in relation to the value of the property listed; and in cases where they shall be of the opinion that the property has not been correctly valued, to fix a proper value on the same; and for this purpose may require and compel the attendance of witnesses, and require them to give evidence and information on oath concerning said property and its value. They may also place upon said tax-lists the names of persons and the value of property liable to taxation omitted by the assessor.

§ 34. If the assessor should not return his tax lists within the time required by this act, the clerk shall receive it from him when returned and proceed as though it had been returned by him in time, and the board of trustees shall convene and perform the duties required of them as supervisors of the tax lists as aforesaid. The assessor for such failure shall be fined in such sums as the board by ordinance fix.

§ 35. The clerk of the said board of trustees shall, as soon as practicable after said assessor's lists shall be returned and examined and approved by said board as aforesaid, deliver a copy of the same, to be made out by him for that purpose, to the town marshal or other collector of the town taxes appointed by the board of trustees; and after said collecting

officer shall have given bond, with approved security, payable to the trustees in a penalty of at least double the amount of the tax to be collected, conditioned for the prompt collection and payment of said taxes to the town treasurer within six months after the time of the delivery of the tax lists by the said clerk, during which period of time, and not afterwards, the said collector shall have power, if the taxes are not paid to him by the person or persons chargeable within sixty days after his appointment, to levy upon any real or personal estate of the delinquent in said town, or if the owner be unknown, to levy upon the lot or portion of lot upon which the taxes were assessed, and after advertising the same, if personal estate, at least ten days, and if real estate, at least thirty days, by notice posted upon the court-house door, and by at least two successive weekly insertions in a newspaper published in said town, to proceed to sell the same, or so much thereof as shall be sufficient to pay the amount of tax and costs of sale, to the highest and best bidder for cash in hand paid, and if real estate, convey the same at the expiration of one year to the purchaser, if not redeemed in that time, and if, provided further that the owner may redeem any real estate sold under said tax sale, by paying or tendering to the purchaser the amount paid, together with one hundred per cent. upon the amount bid at any time within one year from the date of sale.

§ 36. The board of trustees for said town may make such rules, regulations, by-laws, and ordinances for the government of said town, not inconsistent with the laws and Constitution of this State, as they shall think proper and necessary.

§ 37. They shall keep the streets, alleys, and sidewalks of said town, as far as opened, unobstructed, clean, and in good repair.

§ 38. They shall have the power to purchase, take, and hold the title to such quantities of ground in said town as may be sufficient, and erect thereon a town hall, common school buildings, a hospital, a pest-house, or other public buildings which may be necessary for the town, or they may purchase, take, and hold, for the same purpose, improved

grounds, and are authorized to use the revenue of said town, or such part thereof as may be appropriated therefor, to pay for the grounds and the erection of buildings thereon.

§ 39. They shall have power to tax any show or exhibition within the corporate limits, not exceeding the amount charged by the State for similar exhibitions.

§ 40. They shall have the exclusive right to regulate and license taverns, hotels, coffee-houses, drinking saloons, and all other places whatsoever, within the corporate limits, where spirituous, vinous, or malt liquors are sold. The tax on such licenses shall be three hundred dollars, payable to the town treasurer for the benefit of said town, except that drug stores shall have the privilege of filling the prescriptions of regular practicing physicians for medicinal purposes only. The license shall be for the term of one year from the time it is granted, shall not be transferable, and shall only be exercised in the building specified in the license. The person or persons obtaining license must, in addition, pay the State tax, and give bond in accordance with the general State law concerning liquor license: *Provided, however,* No license to sell liquors by the drink shall be granted under the provisions of this section, unless ten days previous notice of the application shall have been given by the person applying for license by at least two insertions in a newspaper published in Carrollton (if any is published). The notice shall state the time the application is to be made, and the place where the liquor is to be sold, and by whom, and said license shall only be granted at a regular meeting of the board.

§ 41. They may exempt persons on account of age, infirmity, or other charitable reasons, from the payment of town poll-tax.

§ 42. They shall prohibit cattle, hogs, and horses from running at large in the streets of said town.

§ 43. They shall have power to license drays, tax and regulate billiard tables, ten-pin alleys, and shooting-galleries.

§ 44. They may define and declare what shall be deemed nuisances, and punish the authors thereof by fine and imprisonment.

§ 45. They may authorize and regulate the use of locomotive engines within the town, and grant to any railway company the right of way through the streets of said town, and direct and control the location of railroad tracks and depot grounds.

§ 46. They shall have power to submit at any regular annual election held for said town the question of subscribing stock in any turnpike road or roads terminating at said town or Prestonville, and if a majority of those voting on such proposition shall be in favor thereof, the said trustees shall be authorized to subscribe said stock, in the name of the trustees of Carrollton, in such road or roads: *Provided, however,* The amount so subscribed shall not exceed the sum named in the order of the board submitting the proposition to the voters. The trustees shall make appropriations to pay for the stock so voted.

§ 47. The board of trustees shall have power to lease at public auction, to the highest responsible bidder, the wharves and landings of said town, for a term not exceeding five years. One month's previous notice of the time, terms, and place of letting shall be posted in three or more public places in said town, and have two insertions in a newspaper (if any such there be) published in Carrollton. The board of trustees shall fix and regulate the tariff of charges for wharfage.

§ 48. The trustees of said town shall keep a record of their proceedings in well-bound books, which shall be signed by the chairman of the board. They shall provide a suitable desk or safe for the preservation and safe-keeping of the records, books, papers, contracts, and documents belonging to the town.

§ 49. They shall annually, at least ten days before the time of holding the regular town election, make up a full and fair statement, in writing, signed by the chairman, of all sums collected and disbursed the preceding year, and what for, and of all claims due them and owing by them, which,

or a synopsis of which, shall be posted up for inspection at three public places in said town, and also one insertion in newspaper (if any such there be) published in Carrollton.

§ 50. The board of trustees shall, as soon as practicable after the passage of this act, cause a survey to be made of the streets in that part of said town now known as the out-lots, and have the same so laid off as to conform in width to the streets of which they are a part, included within the in-lots; and no street shall be less in any part thereof than sixty-six feet in width. But the trustees may increase the width of any street, or any part thereof, more than sixty-six feet, provided they do not interfere with permanent and substantive buildings not theretofore erected, unless the owner thereof consents, or the town pays for the same. They shall also cause alleys to be laid off between said streets in said out-lots of the same width and in the same directions as the alleys of the in-lots; and for the purpose of making said survey of said streets and alleys, the trustees shall employ a competent surveyor, who shall designate the location of said streets and alleys by appropriate marks, so that said boundary can be easily ascertained by inspection. Said surveyor shall also make a plat of said town, showing said streets and alleys so laid off, and shall lay off and number the half-acre lots in the same way that the present in-lots are numbered, beginning with the number next succeeding the highest number of the present lots; which plat, after being made and approved by the board of trustees, shall be recorded in the office of the Carroll county clerk, as the true plot of the town of Carrollton.

§ 51. The board of trustees shall open, grade, and gravel or macadamize any street of said town as soon as practicable, when applied for by the holder of an improved lot or lots binding thereon, or when the development of the town or the convenience of the citizens generally requires it. And for the purpose of opening streets or alleys, the land embraced therein is not the property of the town, the board may obtain by gift or purchase of the owner or owners thereof such ground, by proper conveyances to them, duly recorded in the county clerk's office. The trustees shall

also, as soon as practicable, open any alley when the holder of an improved lot binding thereon asks it opened, or when the convenience of the citizens generally may require it.

§ 52. In case of the failure of the board of trustees to agree with the owner or owners of any such land as the board of trustees may deem necessary for the purpose mentioned in the preceding section of this act, it shall be the duty of the board of trustees to apply for the condemnation of such land by petition to the circuit or county judge of Carroll county, either in term time or in vacation, notice and time and place of such application having been first duly given, by publication in some newspaper, at least thirty days prior to the application; or if the owner or owners reside in the State, by service upon them in the same manner, and for the same length of time prior to such application, as is required by law in the service of summons in ordinary actions; and thereupon such judge shall appoint three disinterested freeholders of the county as commissioners, who, having been first duly sworn to well and duly appraise the damages due the owner or owners of said land proposed to be taken, shall report in writing to the said judge the amount of damages to be paid, which report, upon confirmation by the judge, shall be held as final and binding, subject, however, to the right of appeal as in road cases; and upon the amount of such damages being ordered to the owner or owners of said land, the title to it shall vest in the board of trustees for the benefit of said town.

§ 53. The trustees of said town are hereby authorized to take all necessary steps to prevent the outbreak and spread of cholera, yellow fever, small-pox, and other infectious, contagious, or dangerous diseases in said town, and to provide for those who are unable to provide for themselves, medicines, medical attention, clothing, food, nursing, and such other attention as may be necessary for the care of those who have been exposed to or are afflicted with said diseases; and the trustees of said town are hereby authorized to appropriate out of the revenue of said town such sums as may be necessary to carry out the purposes of this section.

§ 54. The board of trustees shall have power to order and direct, wherever and whenever the convenience of the public generally shall require it, that the owners of lots in said town shall construct sidewalks in front of said lots at their own expense, and to repair or relay the same when necessary, and if not done by the board, the trustees may cause such work to be performed, and assess the expense thereof, which shall be a lien on the premises, and may be enforced by suit brought against the owners of said lots by the board of trustees in any court of competent jurisdiction.

§ 55. The board of trustees may contract debts to meet casual deficits or failures in the town revenue, or for the purpose of purchasing property or erecting buildings for the use or benefit of the town, or for any of the purposes for which said trustees may acquire or improve real estate, or for the purpose of taking stock in turnpike roads as provided in this act; but such debts, direct or contingent, singly or in the aggregate, shall not, at any time, exceed five thousand dollars, and the moneys arising from loans creating such debts shall be applied exclusively to the purposes for which they were obtained, and no ordinance of the board of trustees shall authorize any debt to be contracted on behalf of the town unless provision be made therein to levy and collect an annual tax, which said board is hereby authorized to do, sufficient to pay the interest stipulated, and to discharge the debt within five years; nor shall such ordinances take effect nor such debt be created until it shall have been submitted to the voters of the town at the regular town election or at some special election to be held for that purpose, of which due notice shall be given by three publications in some weekly newspaper, published in the town, stating the amount of the appropriation and the purpose for which it is to be applied, as well as the time and place for holding said election, and it shall receive a majority of all votes cast on said proposition, and the provisions of this act in regard to the election of trustees, and the mode of ascertaining the result, shall apply to such elections so far as practicable.

§ 56. The board of trustees shall meet at least once a month at such time and place as may be designated by the board, and shall have called meetings when directed by the chairman, or on request of two members.

§ 57. The present board of trustees and other town officers shall hold their offices until the first Thursday in May, one thousand eight hundred and eighty-four, and until their successors are elected and qualified.

§ 58. The chairman of the board of trustees is authorized to administer oaths in proceedings before the board, and all contracts to which the town is a party shall be signed by the chairman and attested by the clerk in the presence of the board.

§ 59. The residents of the town of Carrollton shall be exempted from working all county roads.

§ 60. The board of trustees may, from time to time, make such ordinances for the government of the town and its inhabitants for the more particularly prescribing the duties and liabilities of the officers and employes of said town, and for the health, morals, and improvements thereof, as are not inconsistent with this charter or the Constitution of this State. They may also by ordinances fix penalties for any violation of this charter, or ordinances of the board passed in pursuance thereof, or any neglect of duty on the part of officers thereof, which may be recovered in the police court of Carrollton, or any court of competent jurisdiction, in the mode prescribed by law in similar cases; and when collected, to be paid to the town treasurer to be used for the benefit of the town; and where no penalties are fixed by ordinance for such violation of law or neglect of duty, then they shall be liable to such penalties as are fixed by the general laws of the State in such cases.

§ 61. This charter shall go into effect and be of full force from and after its passage, and shall thereafter be the charter of the town of Carrollton, and all acts and parts of acts heretofore enacted conflicting with this act, or any provision thereof, are hereby repealed.

Approved February 25, 1884.

CHAPTER 253.

AN ACT to amend and to reduce into one the several acts concerning the town of Midway.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of Midway, Woodford county," approved February seventeen, one thousand eight hundred and forty-six, and all acts amendatory thereto, be amended as follows, to-wit: That so much of Woodford county as is embraced within the present limits of said town be, and the same is hereby, declared to be a town, and the inhabitants thereof are created a body-corporate and politic, with perpetual succession, by the name and style of the "Town of Midway;" and as such by that name shall be capable in law of owning and holding property, contracting and being contracted with, of suing and being sued, and pleading and being impleaded, in all the courts and places whatsoever; and may have and use a corporate seal, and change, alter, and renew the same at pleasure.

§ 2. The fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall be vested in five trustees, one of whom shall be elected chairman by the board of trustees, all of whom shall be elected annually, in the manner hereinafter provided, for a term of one year, and shall continue in office until their successors be duly qualified.

§ 3. That the trustees shall, before entering upon the discharge of their duties, take and subscribe to an oath (in addition to the oath or affirmation prescribed in the Constitution), before a justice of the peace, that they will faithfully and impartially discharge all the duties of their respective offices; which oath, with the certificate of the justice, shall be filed with the papers of the town. If trustee shall fail or refuse to qualify within twenty days from his election, he shall thereby vacate his office, and the trustees who have qualified shall declare his office vacant, and proceed to appoint some other person in his place; but if not more than two of the persons elected trustees have qualified within the

To take an oath.

If trustee refuse to qualify, &c.

time prescribed above, then the former board of trustees shall fill, by appointment, the vacancies occurring by such failure. If there is a vacancy in said offices, by reason of anything other than above mentioned, it shall be filled by the then acting trustees; and any person appointed under this section shall hold his office until the next annual election, and until his successor be duly qualified, and shall have and exercise the same rights and powers as if he had been elected at the regular election.

Quorum.

Chairman to preside at meetings of board.

President pro tem.

Appointment of committees.

§ 4. Three of the trustees shall constitute a quorum for the transaction of business, and they may regulate by ordinances and by-laws the times and places of their meetings. The chairman shall preside over the meetings of the trustees (which in all cases must be public), and shall give the casting vote when there shall be a tie. He may enforce good order at such meetings and the attendance of the trustees by fine not exceeding five dollars; and, in his absence, the trustees may elect one of their own number to act as chairman *pro tempore*, who shall, in addition to his vote as trustee, have all the powers for the time that are herein granted to the chairman. The chairman may appoint all necessary committees among the trustees, and compel them to serve on the same and perform their duties by fine not exceeding five dollars.

May pass by-laws, &c.

See 1 acts '82, page 1128, and post page 32, for further powers.

§ 5. The said board of trustees shall have power to make such rules, regulations, by-laws, and ordinances for the purpose of maintaining the peace, good order, and government of the town, and the trade, commerce, and manufactories thereof, as the board may deem expedient, not repugnant to the Constitution of the State and the laws made in pursuance thereof, and to enforce the observance thereof by fine not exceeding one hundred dollars for any one offense, except as herein provided; and to make all ordinances which shall be necessary and proper for carrying into effect the powers vested by this act in the corporation, the town government, or any department or office thereof.

§ 6. The board of trustees shall have power within the limits of the town, in addition to the other powers granted in this charter—

1. To appropriate money and provide for the payment of the debts and expenses of the town. To appropriate money.

2. To make regulations to prevent the introduction or spreading of contagious or infectious diseases in the town; to pass quarantine laws for that purpose, and to enforce the same in the town and within a half mile of the outside limits of the town. To make regulations in regard to contagious diseases.

3. To establish hospitals and pest-house, and make regulations for the government of the same. Hospitals and pest-houses.

4. To make regulations to secure the general health of the inhabitants of the town. Health of town.

5. To provide the town with water; to erect hydrants, fire-plugs, cisterns, wells, and pumps in the streets within the limits of the town, for the convenience of the inhabitants of town and its environs. To provide town with water.

6. To establish, erect, and keep in repair bridges, culverts, and sewers, and regulate the use of the same; to erect dams and cover them over when the interest of the public require it. To erect bridges, &c.

7. To provide for lighting the streets, market-houses, and public buildings, rooms, and offices with gas or other material. To provide for lighting streets.

8. To establish, support, and regulate policemen, night-watches, patrols, and prescribe their duties and compensation. To establish and regulate police, &c.

9. To erect market-houses, establish market-places, and provide for the government and regulation thereof; and appoint inspectors of the articles sold therein, and to provide for the condemnation and destruction of stale, unwholesome meats or vegetables, and to prevent the sale of the same. To erect market-houses, &c.

10. To provide for the erection and repair of all needful public buildings for the town, and to provide for inclosing and improving all public grounds belonging to the town. Public buildings, &c.

11. To suppress gaming, drunkenness, gambling-houses, and disorderly houses of all kinds. Suppress gaming

12. To provide for the prevention and extinguishment of fires, and to regulate and establish fire companies; also, to regulate and restrain the erection of wooden buildings, In relation to fires.

See acts 1874, page 300, post page 28, as to building committee.

and provide for the removal of the same when built contrary to the ordinances of the town; to appoint fire-wardens and property-guards, with full power to arrest and keep away from vicinity of any fire idle or suspicious looking persons lurking near the same, and to compel any person or persons present to assist in extinguishing fires or preventing the spreading of fires; and to have power to compel all persons present at a fire to assist in the preservation of property exposed to the dangers of the fire, and to prevent the purloining or stealing goods or property at such fire, and such other power and duties as may be prescribed by ordinance.

See acts '82, 1 vol., p. 1095, post page 31.

Sweeping of chimneys.

13. To regulate the sweeping or cleaning of chimneys, and to fix the fees therefor, and prescribe the manner of their collection.

In relation to storage of combustibles.

14. To regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton, and all other combustible materials; and to appoint some suitable person or persons, at seasonable times, to enter and examine such houses as they may designate, in order to ascertain whether any of such houses are in a dangerous condition with reference to fires, and to cause such as are in a dangerous condition to be immediately put in secure order and condition.

Public scales, &c.

15. To erect and keep in repair accurate public scales, and appoint a public weigher to attend to the same, and fix fees and compensation for his services; to establish standard weights and measures to be used in the town in all cases where the same is not provided for by law.

Inspection of butter, lard, &c.

16. To provide for and regulate the inspection of butter, lard, and other provisions; to regulate the vending of meat, poultry, and such other articles of consumption within the town as may be enumerated by ordinance.

17. To provide for appointment of all officers, servants, or agents of the town not otherwise provided for, and fix compensation and fees for their services and the duration of the term of their offices.

18. To fix the compensation of all town offices, and provide for and regulate pay and fees of all jurors, witnesses, and others, for services rendered under this act or any ordi-

nance of the town. To erect a work-house, a poor-house, and house of correction, and to provide for the regulation and government thereof, and to otherwise provide for the poor of the town.

19. To prevent or restrain any riot, rout, noise, disturbance, or disorderly or unlawful assembly in any street, or other place in said town, or any breach of the peace therein, and to provide for the arrest and confinement and trial and punishment of the parties engaged or taking part in the same. To prevent and restrain any person or persons from resisting, hindering, or interfering with any officers of said town when engaged in the lawful discharge of his duties in said town, and to provide for the arrest and punishment of the party or parties engaged, or taking part or aiding and abetting in said resistance, hinderance or interference. To prevent the use of abusive and insulting language by any one in the presence or hearing of another, with the intention of provoking an assault, or which shall be calculated so to do, and to provide for the punishment and fine of any one so offending, subject to the limitations of this act; and no costs shall be charged in cases in the police court where the warrant is dismissed.

20. To prevent and remove any and all encroachments into or upon or over any street, alley, sidewalk, lane, avenue, or public square heretofore existing or established under this charter or by ordinance, and to exercise complete and perfect control over all public squares or commons belonging to the town, and over all property, real or personal, belonging to the town, lying within or beyond the limits of the town.

21. To appoint and remove at pleasure, and to prescribe the duties, compensation, and fees of the following officers, agents, and servants of the town: Warden or keeper of the work house and house of correction, keeper of the poor-house, keeper of the pest-house, superintendent and keeper of the hospital, town physician, market-masters, inspectors, gaugers, sextons, weighers, measurers, and attorneys-at-law to act for said town, and policemen.

22. To provide for the prevention of training or breaking horses or exhibiting stallions in the public streets and places of the town, or standing them within the limits of the same.

23. To provide for the removal from the limits of the town, or killing, of mischievous, vicious, or diseased animals, and for the punishment, by suitable fines and penalties, of the owner or keeper of such animals for allowing them to go at large.

24. To tax all dogs kept within the limits of the town in any sum not exceeding ten dollars per annum, and to pass ordinances to provide for the killing of all such dogs upon which the tax is not paid, or for fining the owners thereof.

25. They shall have the right to prevent, abate, and remove nuisances at the costs and expense of the owners or occupiers or of the parties upon whose grounds they exist : *Provided, however,* That if the thing complained of as a nuisance be in the nature of a permanent improvement or structure of the value of more than twenty dollars, or if the actual damage accruing to the owner from such abatement or removal, or the costs or expense attendant on the abatement or removal, exceed said sum, the person in actual possession of the property, if a resident of Woodford county, shall be notified, in writing, that a motion will be made at a meeting of the said board of trustees to declare the thing complained of a nuisance, which notice shall state the time and place of the meeting, describe the thing proposed to be declared a nuisance, shall be signed by the chairman or one of the trustees, and may be served as notices are served under provisions of Civil Code ; and if the thing complained of be declared a nuisance at the meeting mentioned in the notice, or at any meeting adjourned therefrom, and if the same is not abated or removed by the owner or occupier of the land within twenty-four hours therefrom, the chairman and board of trustees may cause said nuisance to be removed or abated at the costs and expense of the owner or occupier, or both, of the land ; but if the person actually in possession of the land be not a resident of the county, the board of trustees of the town of

Midway may proceed to remove or abate the nuisance without any such notice, at the costs and expense of any such parties. Said board shall have the power to define and declare, by ordinance, anything already existing, or what shall be a nuisance within the limits of the town, and to punish by fine any person for keeping, causing, erecting, or committing a nuisance at a sum not exceeding two hundred and fifty (\$250) dollars.

§ 7. The board of trustees shall have power to purchase lands for and locate cemeteries, either within the town limits or elsewhere in Woodford county, to sell the lots within the same, and appropriate the moneys arising from said sales to the benefit of the cemeteries or of the town; and they shall exercise full and complete control over any cemeteries that the town may now have, or may hereafter purchase, and have power to erect and keep in repair public vaults at the expense of the town.

§ 8. They shall have power to prevent by ordinance any obscene, vulgar, or bawdy language, and any indecent practices, exposures, or acts, in any public places within the limits of the town, and may punish by suitable fines or penalties any person so offending.

§ 9. They shall have the power to prevent the introduction in the town, or within one mile of its limits, of any person who is a pauper, or who is likely to become a charge upon the town or county from disease, old age, or any other cause, and punish by fines, in any sum not exceeding one hundred dollars, any person so offending, and return the pauper, or the person likely to become a charge upon the town or county, at the cost and expense of person offending.

§ 10. They shall have power to establish free schools in said town, to furnish rooms for the same, and make appropriations and receive donations for such purposes, and govern the same under such rules and regulations as they may make.

Police Court.

§ 11. There shall be established in said town a court, to be styled the police court of Midway, which shall be held

by one judge, who shall be called the police judge of Midway, and shall be elected by the qualified voters of said town at the same time, in the same manner, for the same term, and have the same qualifications, as county judges. He shall, before entering on the discharge of his duties, in addition to the oaths prescribed by the Constitution, take the oath prescribed for circuit judges; and, on failure for twenty days so to do, his office shall be declared vacant by the board of trustees.

§ 12. Said court shall have exclusive original jurisdiction in all prosecutions for violations of the ordinances of said town, and jurisdiction of all pleas of the Commonwealth arising within the limits of said town, except cases of felony. It shall have power to take recognizances from persons charged with offenses cognizable before said court to appear and answer, the same that circuit courts have, and like power to forfeit the same, and shall proceed in the same way thereon that circuit courts are directed to proceed. It may commit persons to the jail or work-house in default of bail, and shall have all the powers for the arrest, trial, conviction, and punishment of persons for all the offenses over which it has jurisdiction that are given the several courts of this State having jurisdiction over like offenses, and may proceed in the same way for the trial of such offenses, and may inflict the fines and punishments and enforce the collection of same, as such courts are by law authorized to do.

§ 13. Said police court shall have original and concurrent jurisdiction of all cases of riots, routs, unlawful assemblies, assaults, batteries, affrays, or other breaches of the peace committed within the limits of said town. It shall also have original and concurrent jurisdiction over all cases of larceny of goods, chattels, or other things of less value than four dollars committed within the limits of said town, and over all cases of vagrancy therein.

§ 14. It shall have concurrent original jurisdiction with the justices of the peace of Woodford county, in the justices' district in which said town is situated, in all civil cases and proceedings.

§ 15. There shall be a quarterly term of said court, to be begun on the third Monday in the months of March, June,

September, and December in each year, and held as many days as the business of the court may require; but said court may be held at any time for the trial of all criminal cases and cases for breaches of town ordinances; and the provisions of the Criminal Code, except where inconsistent with this act, shall apply to proceedings in all such cases.

§ 16. Said court may issue a *capias pro fine* on all its judgments in cases for breaches of the ordinances of said town; and in such cases the court may enter a judgment specifying that the person convicted shall be confined at labor in the work-house, or forced to work under the regulations of the board of trustees, until the fines assessed against him and the costs of the prosecution are discharged, at the rate of one dollar per day: *Provided, however,* That the person so arrested and confined shall, by paying the full amount of said fine and cost, be discharged from custody.

§ 17. Said police judge shall be commissioned by the Governor, and be a conservator of the peace; and he may order arrests for all offenses against the laws of the State or ordinances of the town of Midway; and for those committed in his presence may order arrests without warrant—the person offending to be dealt with according to the laws of the State or ordinances of the town. He may administer oaths, take depositions in all cases, issue and try writs of *habeas corpus*, and grant injunctions, in same manner, under same restrictions, and in the same cases that county judges are now authorized to grant them; and he shall have the same civil jurisdiction in all cases as is conferred on justices of the peace.

§ 18. Said judge shall be his own clerk; but it shall be lawful for him to appoint a deputy as clerk, who may perform all his duties as clerk of said court. Said clerk shall be called the deputy clerk of the police court of Midway, and shall possess the same qualifications, and take the same oaths, before he enters upon the duties of his office, as is required by law of a deputy clerk of a court.

§ 19. Whenever, from any cause, the judge of the said court fails to attend the court, or if in attendance, cannot

properly preside in a cause or causes pending in said court, the presiding judge of the Woodford county court, or any justice of the peace for Woodford county, may preside in his place; and the person so presiding shall, during the period that he acts, have all the powers, and be liable to all the responsibilities, of the police judge, and shall receive all fees accruing during said period; and any of said officers may, at any time, issue a summons, warrant of arrest, or subpoena, and make the same returnable before said court, which summons, warrant, and subpoena shall be executed and returned in the same way, have the same force and effect, and the person upon whom they are executed be dealt with the same, as if they had been issued by the court while regularly sitting. If no court is held on the day any summons or warrant is made returnable, and the same is not during a regular term, the case shall be considered as, and be by operation of law, continued till the next regular term.

§ 20. Appeals from judgments of said police court shall lie in all civil cases, unless otherwise provided for, to the Woodford quarterly court, to which shall also lie all appeals from its judgments in cases for breaches of the ordinances of said town, where the penalty or forfeiture set forth in the ordinance exceeds ten dollars, and does not exceed fifty dollars, and in all pleas of the Commonwealth, except in cases of vagrancy and larceny, where the full penalty imposed by law for the offense does not exceed fifty dollars, and imprisonment for fifteen days; and said appeals and proceedings thereon, except as herein provided, shall be governed by the general laws regulating appeals from justices' courts to quarterly courts. In all other cases (except for breach of ordinance where the fine is less than ten dollars), an appeal from judgments of the police court shall lie to the Woodford circuit court, and said appeals and proceedings thereon shall be governed by the general laws, except as herein provided, regulating appeals from inferior courts to the circuit court. If the judgment appealed from to either of said courts be in a case of vagrancy or larceny, or in a case where the judgment may specify that the defendant may or shall be imprisoned, there shall be exe-

cutted, in addition to the bond now required by law, before the clerk of the court appealed to, a penal bond in a sum fixed by the clerk, and with sureties approved by him, conditioned that the defendant will at all times render himself amenable to the orders and process of the court appealed to in the prosecution of the charge, and if convicted, will render himself in execution thereof. Upon the execution of such bonds, the defendant, if in custody, shall be discharged therefrom.

§ 21. The fines and forfeitures recovered in the said police court, in the name of or in favor of the Commonwealth of Kentucky, in cases arising in said town or in the name of the town of Midway, are hereby granted to the town of Midway.

§ 22. Said board of trustees may employ and provide counsel for the prosecution of all cases sued out in the name of said town; and it shall be the duty of the county attorney for Woodford county to prosecute all pleas of the Commonwealth in said court, and he shall receive the same fees in such cases, and the same percentage of the fines, penalties, and forfeitures imposed in the same, as is given by law to county attorneys or to attorneys for the Commonwealth for similar services.

§ 23. Said court shall be a court of record, and all copies of papers or records on file with the judge shall, when duly attested by him or the deputy, be received as evidence in all cases where the originals would be evidence; but nothing herein shall prevent any court from having the original records produced and brought to court by the proper process.

§ 24. The fees of said judge, whether acting as judge, clerk, or otherwise, shall be the same in all cases as are now, or may hereafter be, given by law to officers performing like services; and fees and costs shall be taxed in cases in said court to the same extent, in the same way, and under the same regulations, as in courts having similar jurisdictions.

Marshal.

§ 25. A marshal shall be elected by the qualified voters of said town, at the same time and for the same term as the
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sheriff of Woodford county is elected, which marshal shall be called the "Marshal of the Town of Midway," and he shall enter on the discharge of his duties on the first Monday in January next succeeding his election. He shall, however, before so doing, execute a bond before said board of trustees, with one or more sureties, which shall be approved by the said board in substance as follows: We, _____, marshal of the town of Midway, and _____, his sureties, jointly and severally bind and oblige ourselves to the Commonwealth of Kentucky, that the said _____, as marshal of the town of Midway, shall well and truly execute and due return make of all process and precepts to him directed and to him delivered, and all notices and orders of justices or other tribunals given him to execute, and will pay and satisfy all sums of money by him received upon any such process or precept, or any note, account, fee-bill, taxes of the town of Midway, fines or other claims placed in his hands for collection to the person entitled thereto, and in all other things shall faithfully and truly discharge all the duties of said office during his continuance therein. He shall also, previous to entering upon his said duties, besides the oaths prescribed by the Constitution, take an oath before said board in substance: That he will do right as well to the poor as rich in all things belonging to his office; that he will do no wrong to any man for any gift or reward, nor for favor or hatred, and in all cases that he will truly and faithfully execute the duties of his office to the best of his knowledge and power. It shall be noted on the records of the town that such bond and oath had been taken, and they shall be filed with the papers of the town.

§ 26 Any persons injured by a breach of the said bond may, in any court having jurisdiction, prosecute suit or motion thereon in their own name and at their own cost, against the marshal and his sureties, in the manner now prescribed by law for proceeding against sheriffs or constables in cases of delinquency or breach of official duty.

§ 27. The board of trustees may at any time notify said marshal to give additional security on his bond, which notice shall be served as notices are directed to be served

under Civil Code; and they may, upon his failure so to do within five days after such notice, declare his office vacant. If the marshal shall fail to execute bond or take said oath within twenty days after the time he should, by this act, enter upon the discharge of his duties, the board of trustees may declare the office vacant.

§ 28. Said marshal shall be a peace officer, and shall possess all the power to arrest persons charged with offenses, and to execute, within Woodford county, in criminal cases, all writs, process, warrants, and orders, and to take bail, which is now or may hereafter be given to sheriffs or other peace officers; and he shall be entitled for his services to the same fees to which such officers are respectively entitled. He shall attend all meetings of the board of trustees, and all sittings of the said police court, and preserve order and act as crier at the same. He shall have power to execute and levy all process, judgments, or executions, civil or criminal, which issue out of said court, and shall have the same powers to collect claims, fee-bills, and so forth, and to act in all other civil cases, and execute all process and executions in said county which are now or may hereafter be given by law to constables; and he and his sureties shall be responsible for the proper execution of all process and the collection of all claims put into his hands, and for his official acts, in the same way, and to the same extent, that sheriffs and constables are now responsible. It shall be his duty to execute all ordinances of the said board passed in pursuance of the powers herein granted them, wherein acts or duties are specifically prescribed for him to perform; and he shall report to the police judge all infractions of the ordinances of said town, and all misdemeanors or felonies committed within said town of which he may receive information.

§ 29 The marshal may be appointed collector of said town; and if no collector is appointed on or before the first day of May in each year, the marshal shall, during that year, by virtue of his office, have the power, and shall collect all the taxes due said town, and he and his sureties shall be responsible on his bond for the proper collection and disposition of all such taxes; and he may proceed in the same

way for their collection as the collector is by this act empowered to proceed.

§ 30. The marshal shall be entitled to the same fees as the sheriffs and constables are respectively whenever he performs services similar to those of sheriffs and constables.

Clerk of the Board and Treasurer.

§ 31. It shall be the duty of said board of trustees to appoint annually a competent person to fill the office of clerk of said board of trustees. Said clerk shall, before entering upon the discharge of his duties, take an oath to faithfully discharge all his duties under this act; and he shall hold his office subject to the will of said board. It shall be duty of the clerk to attend all the meetings of said board of trustees, and to make a full and complete record of their transactions and proceedings in a book furnished him by them. He shall keep all the papers and documents of said town, and perform what other duties may be prescribed for him by said board of trustees, not inconsistent with this act. If said clerk fails to qualify within ten days after his appointment, his office shall be declared vacant.

§ 32. It shall be the duty of said board of trustees to appoint a competent person, or any incorporated bank in said town, to fill the office of treasurer of said town, who shall hold said office at the will and pleasure of said board, and subject by them to be removed at any time. The party appointed treasurer shall, before entering upon the discharge of his duties, take an oath to faithfully discharge all the duties of his office, and shall execute a bond to said town before said board, with one or more approved sureties, covenanting that he will account for and pay over to the person entitled to receive the same, according to law, any and all moneys that may come to his hands as treasurer of said town; that he will at any and all times, whenever called upon by the board of trustees, settle his accounts as treasurer as aforesaid, and pay over any money due the town from him to any person that said board may designate, and will faithfully discharge all the duties of said office.

§ 33. It shall be the duty of the treasurer to receive and safely keep all money belonging to the town, and to pay [out] the same under appropriations made by the board of trustees; but he shall only pay out money upon warrants drawn by the chairman. He shall keep a fair and accurate account of all his receipts and disbursements, showing when, from whom, and to whom, and for what purpose, and on what account, such moneys were received or paid, and shall exhibit the same, and furnish a copy thereof, whenever called upon by said board. He shall perform such other duties as may be required of him by ordinances, not inconsistent with this act, and shall receive such compensation for his services as the said board may provide. The said board may require the treasurer to pay any rate of interest, not exceeding six per centum per annum, on the amount of such money received by him, from the time of its reception, credited by his lawful disbursements from the time they are paid out; but no interest shall be required of the treasurer unless the same was imposed by ordinance before his qualification.

§ 34. Any person aggrieved may institute suit or motion on the bond given by the treasurer as aforesaid, in the said police court or the Woodford circuit court, against the treasurer and his sureties, and the bond shall not be void or satisfied until every person aggrieved has been recompensed.

§ 35. If the treasurer fails to execute his said bond for twenty days after his appointment, the office shall, by order of the board of trustees, be declared vacated, and the vacancy to be filled by the board of trustee :

§ 36. The board of trustees may at any time require and notify the treasurer to execute a new bond or give additional security; and upon failure, within five days after such notice, to execute new bond or give additional security, the office may, by order of the board of trustees, be declared vacated, and filled by the board of trustees.

Taxes, &c., &c.

§ 37. That the board of trustees shall have power to assess, levy, and collect ad valorem taxes on such real, and

personal estate within the limits of said town as the board may designate ; but such taxation shall be uniform on every description of property, and shall not exceed one dollar on each one hundred dollars' worth of property. They shall have the power to levy and collect, annually, a head or personal tax, not exceeding two dollars, on every male person over twenty-one years of age who shall have resided in said town for three months. They shall also have the power to levy and collect a tax of not more than fifty cents on each share of stock in all banks or other moneyed corporations doing business in said town ; and may also levy and collect a tax of not more than one dollar on every hundred dollars invested in brokers' establishments and private banks in said town. The provisions of this section, however, are not to affect the banking institutions now in operation whose charters direct a different method of paying taxes.

§ 38. Said board may have power to appoint, annually, a competent person to fill the office of assessor, [and] which assessor shall be qualified, within ten (10) days after his appointment, to faithfully discharge his duties, and shall execute a bond before said board, with one or more approved sureties, covenanting with said town that he will faithfully discharge all the duties of his office; and upon his failure so to do, the board may remove him.

§ 39. It shall be the duty of the assessor to take in a list of all the taxable property within said town, whether in goods, stocks, manufactories, or other property that may be designated for taxation by the board, together with the cash value of such property, and the name of the owner or owners thereof; and he shall make such division of the different species of property in separate columns in his book as the board may direct. The assessor shall list also all male persons over twenty-one years old who are subject to said personal or head tax, and shall also list and report, separately, a list of all the houses, stores, taverns, persons, and things upon which a specific tax is levied by the ordinances of said town, together with the names of the owners or agents of such houses, stores, taverns, and things. He shall file with the clerk of the board his books containing

the above mentioned lists on or before the first day of April in each year.

§ 40. He shall call on persons from whom taxes are collectable for a list of their taxable property, and shall administer to such persons the following oath or affirmation: "You do swear that this list of taxable estate given in by you contains a full and complete list, and the best description of the same you can give, of all and every species of property belonging to you, or in your possession, subject to taxation on the tenth day of January last, under the ordinances of the town of Midway, and that no removal of property or omission has been made, or any method or device adopted or practiced, whereby to evade the payment of such taxes by you; and that you will true and perfect answer make to such questions as may be asked you concerning your taxable estate." And if any person shall refuse to take such oath, or to give a list of his or her taxable property, the assessor may assess the same from the best of his information.

§ 41. If any person shall fail and refuse to give a list of his taxable property, when legally called on so to do by the assessor, or give in a false or fraudulent list, he shall be adjudged a delinquent, and fined in any sum not exceeding one hundred dollars; and the assessor, at the time he files his book with the clerk, as before directed, shall return a list of all delinquents described in this section, and shall, as to fraudulent delinquents, state in what the falsehood or fraud consists. Whereupon a summons shall be issued from the police court, summoning the delinquent to appear before said court on some day therein named to answer for his delinquency, and said court shall proceed in the trial of said case, and may enter same judgments and issue same writs and process, and enforce them, the same as in cases for breach of town ordinances.

§ 42. The board of trustees shall annually appoint three discreet men, who are citizens and housekeepers of said town, as a board of supervisors of tax, who, of any two of them, shall meet as soon as convenient after the assessor's books shall have been filed with the board of trustees, and

examine with care the said books, and correct any errors of the assessor, whether in fact or in relation to the valuation of the estate listed; and in cases where they shall be of opinion that the estate has been incorrectly valued, to fix the same at its proper value. They shall also have power to add any lists omitted by the assessor; and said board may adjourn from time to time until their business is completed, and they shall keep a full record of all their proceedings: *Provided, however,* That said board of supervisors shall, at least five days before the time of meeting, have posted, in three or more public places in said town, printed or written notices, stating the time and place of said meeting: *And provided further,* That all persons listed by the assessor may have the right to appear before them, by attorney and in person, and introduce evidence concerning their property.

§ 43. All estates taxed according to value shall be valued as of the tenth day of January preceding, and the person owning or possessing the same on that day shall list it with the assessor and remain bound for the tax, notwithstanding he may have sold or parted with the same.

§ 44. The taxes levied by this act shall be due and payable in the same year in which the estate is assessed, and the town of Midway shall have a lien for such taxes on the estate of each person assessed for taxation, which shall not be defeated by sale or alienation.

§ 45. The board of trustees shall have power to provide by ordinance that tax-payers shall receive credit for the amount of the usual collector's commissions for collecting taxes upon the payment of their taxes to the treasurer by a day to be fixed by ordinance. They may also provide by ordinance that ten per cent. shall be added on all taxes not paid before the tenth day of November in each year, which percentage shall be accounted for by the collector.

§ 46. Said board of trustees shall have the power to levy a specific tax of not exceeding one hundred dollars per year upon all merchants, grocers, peddlers, banks, brokers, pawn-brokers, private bankers, money-changers, confectioners, victualers, tavern-keepers, and auctioneers doing business in said town. It shall also have the power to license and tax

all coffee-house keepers, keepers of eating-houses, retailers of spirituous liquors, and sellers or dealers in the same in any quantities, in any sum not exceeding five hundred dollars per year, and shall have full power to regulate the same. It shall have the power to license and tax, in any sum not exceeding ten dollars per year, and regulate all hacks, carriages, coaches, carts, drays, wagons, or other vehicles plying and hauling for hire in said town. It shall also have the power to tax all livery stables, insurance companies and insurance agencies, express companies, and agencies for the same doing business in said town, in any sum not exceeding fifty dollars per year. It shall have power to license and tax, in any sum not exceeding one hundred and fifty dollars per year, and regulate or suppress and prohibit all billiard-tables, tippling-houses, bowling-saloons, and ten-pin alleys within the limits of said town; and to license and tax within said limits all theatrical and other exhibitions, shows, and amusements, circuses, menageries, lectures, and musical entertainments, but such tax shall not exceed twenty dollars for each exhibition.

§ 47. The imposition and collection of any specific taxes, or the granting of licenses by the said board shall not prevent the levying and collection of the ad valorem taxes provided for by this act on the stock, goods, wares, or merchandise in any store or house, or on the value of anything or implement upon which such specific tax is levied, or to keep which a license is granted.

§ 48. The said board may provide by ordinance when, to whom, and the manner in which specific taxes shall be paid, and the manner, time, and conditions under which all licenses shall be granted, and to enforce the payment of such taxes and licenses, and punish by fine all breaches of the ordinances passed concerning the same

§ 49. The said board of trustees may, if they deem it best, select and appoint some competent person for collector, who shall be called the collector of the town of Midway, and shall hold his office during the pleasure of said board of trustees, and subject to be removed by them at any time. It shall be his duty to collect all the taxes assessed under

the provisions of this charter, and all the sums of money which may be due the town of Midway from all persons whatever; that, before entering upon the discharge of the duties of his office, he shall, before the said board of trustees, give bond with approved sureties, which bond may be as follows: "We, ———, collector of the town of Midway, and ———, as his sureties, covenant and agree with the Commonwealth of Kentucky, that the said ———, collector of the town of Midway for the year ———, shall, during the present year, or so long as he may remain in office, collect, account for, and pay to the treasurer of said town, at such times, and in such manner as prescribed by law, all taxes, fines, or other claims due and owing the town of Midway that may be put into his hands for collection during his term of office; and that the said ——— shall in all things well and truly demean himself, and faithfully discharge all the duties of said office of collector. Witness our hands this ——— day of ———, 18—.

§ 50. Said collector shall also take and subscribe to an oath that he will faithfully discharge all the duties of his office, which oath and bond shall be filed with the papers of the town. Said board may notify the collector to give a new bond or additional sureties at any time; and upon his failure so to do within five days, or upon his failure to qualify and give bond within ten days after his appointment, the said board may vacate his office.

§ 51. The town collector shall account for and pay into the town treasury all taxes and other public moneys for which he is bound, at such times, and under such regulations, as may be prescribed by ordinance of the board of trustees.

§ 52. The town collector shall, from and after the day he receives the tax-book in each year, proceed to collect the taxes due the town; and upon failure by the persons bound therefor to pay the same, may distrain the personal property owned by the persons from whom the tax is due, notwithstanding the existence of any lien upon the same; and may proceed to sell the title of such persons in so much thereof as will pay the tax due and all costs and expenses of sale.

The sale must be for cash, and be made at some public place on railroad street in said town. The time, place, and terms of sale shall be first advertised, as sheriffs are required to advertise in similar cases. If the town collector make illegal or unreasonable seizure and distress for taxes, he shall be liable in damages to the party aggrieved.

§ 53. If there be no personal estate which the town collector can **distrain** for tax due on real estate, or if the personal estate found be **insufficient** to pay the whole of such tax, and the owner of the land or lot **shall fail** to pay the same by the first day of January succeeding the year in which such tax is due, the town collector shall, at some public place on railroad street in said town, and thence from day to day until completed, proceed to sell the land and town lots, or so much thereof as may be necessary to pay the tax thereon, together with the ten per centum penalty above specified, and the costs and expenses of sale, to the highest bidder, for cash. The time, place, and terms of sale, together with a statement of the names of the owners or occupants, number or description of the lot, and the amount of tax and penalty due thereon, shall be published by two insertions in some weekly newspaper published in Woodford or some of the adjoining counties, and by notices posted at three or more public places in the town of Midway at least ten days before the sale.

§ 54. The town collector shall, so soon as practicable after making sale of any real property for taxes, make a full report of his proceedings to the board of trustees, including in said report a list of the property sold, and of the names of the owners or occupants of the property, names of the purchasers, amounts for which the property sold, and a description of the property, and he shall also hand in with the report a copy of the newspaper containing the advertisement of the sale, with the certificate of the printer or publisher, showing the time when the advertisement was printed, which certificate shall be sworn to by said printer or publisher before some justice of the peace; and the said town collector or police judge of said town shall also make oath, before some justice of the peace for Wood-

ford county, that he has complied with all the requirements of this charter and the ordinances of the town in relation to the sale of property for taxes, which affidavits shall form part of the town collector's report.

§ 55. The board of trustees may designate an officer of the town to attend all sales of property sold for taxes due said town, who shall, if no other person will bid an amount sufficient to pay the taxes and all fees, costs, and penalties accrued, bid in the property or any part thereof for the town.

§ 56. All lands and town lots, sold by the town collector for taxes, may be redeemed by the owner or his representatives, at any time within two years from the day of sale, by paying to the purchaser or his representatives the amount of the purchase-money and interest thereon at the rate of ten per centum per annum from the day of sale until redeemed. The person thus redeeming shall take the receipt of the purchaser for the redemption money, and lodge the same with the clerk of the town, to be filed with the collector's report of the sale. If the purchaser, or his agents or representatives, do not reside in the county of Woodford, or cannot be found therein, the owner of the property, or his representatives, may make affidavit of the fact and pay the amount of purchase-money, with the interest aforesaid, to the treasurer of the town, and take his receipt therefor, which affidavit and receipt shall be lodged with the town clerk, to be filed with the collector's report of the sale: *Provided*, Infants shall have one year after they arrive at the age of twenty-one years to redeem their lands, upon the same terms and in the same manner herein provided for adults.

§ 57. The board of trustees may appoint some person commissioner, to convey the title to any real estate sold for taxes under this act to the purchaser or his assignees, or his heirs or devisees, if the same is not redeemed as herein provided; and such deed, which shall be acknowledged by said commissioner before the Woodford county clerk, shall pass to the grantee a perfect title.

§ 58. If any person bound for tax shall be insolvent, or shall have removed out of the county of Woodford with

his estate, after he was assessed for tax, and before a sufficient time to collect it had elapsed, the collector shall, at the regular meeting of the board of trustees in the month of December, return a list of such persons and the amount of tax assessed against them, and whether they have removed or are insolvent, and make oath to the same; which list the board of trustees shall examine and may strike therefrom those whose tax could have been collected by the town collector by reasonable diligence, and for the balance of tax on such list the said collector shall be entitled to credit in his settlement with the town.

§ 59. If, from any reason, there be no collector of the town of Midway, the said marshal shall exercise, by virtue of his office, all the duties, have all the powers, be subject to the same obligations and penalties, and be, together with the sureties on his bond, liable in the same way, and to the same extent, as the said collector.

§ 60. Any person aggrieved may institute suit in the Woodford circuit court, on the bond of the collector, against him and his sureties, and the same shall not be considered void until all persons aggrieved are satisfied; and if he shall fail at any time to settle his accounts, when called upon by said board so to do, or shall fail to pay, according to the directions of said board, the amount of money belonging to said town in his hands to the treasurer, or other person appointed by the board to receive the same, he and his sureties shall be liable for the amount in his hands, with interest at the rate of six per centum per annum, and ten per centum of said amount added thereon as damages, all of which may be recovered by motion in the Woodford county court, or by suit or motion in the Woodford circuit court.

§ 61. Nothing contained herein shall be taken to interfere with, or prevent the collection of, any State or county taxes within the limits of said town.

Streets and Alleys.

§ 62. The board of trustees shall have power by ordinance to receive and accept any street or alley, or extension of any street or alley, laid out by any person or persons

within the town limits, and make and declare the same an established street or alley of the town of Midway.

§ 63. The locality of all public streets and alleys in said town shall not, except as hereinafter provided, be changed from their present actual position as surveyed by [Posey], neither in width or length, unless by consent of the claimant of the ground affected by such alteration or change: *Provided, however,* The board of trustees may, by ordinance passed by a majority of the members elected, and yeas and nays thereon being recorded in the journal of proceedings, whenever the public necessity may require it, cause any new street or alley to be opened, or an old street or alley extended or widened, or establish any market-place, and to procure the condemnation of any real estate for such purposes as follows: *Provided,* That in no case shall private property be taken for any such purpose without the written consent of the claimant, or a just and full compensation therefor be first paid in money to said claimant. If the amount of such compensation cannot be fixed by agreement, the board of trustees shall cause a petition to be filed in the Woodford county court, stating the street or alley they wish opened, widened, or extended, and the names of the owners, if known, of the lots and lands through which they desire to have said street or alley opened, widened, or extended, and the width thereof; and thereupon said court shall order a summons to issue for such owner or owners to appear, on some day of that or some subsequent term of said court, to show cause why such street or alley should not be opened, widened, or extended, which summons shall be executed on such owner or owners, if in the county of Woodford, if not, on his or their agents, if one is known; and on the return of the summons executed, or the return of no inhabitant or known agent, and no one appearing, the said court may order the street or alley to be opened, widened, or extended, the town being liable, however, to pay the owner the value of the ground so taken; and if any one or more of such owners of lots of lands appear and demand it, the court shall award a writ of *ad quod damnum*, to be directed to the proper county officer, to be executed and re-

turned as provided by law for writs of that nature for opening public roads ; and the jury summoned under said writ shall, in addition to the verdict required by law, state whether or not, in their opinion, the public necessity requires the streets or alley to be opened, widened, or extended, as prayed for in the petition ; and on the return of the writ duly executed, the court shall, if the jury report favorably to the prayer of the petition, order the board of trustees to pay the damages assessed to the party or parties entitled thereto, and shall order the street or alley to be opened, widened, or extended, upon the payment of said damages.

§ 64. The board shall have power, at any time before the final decree or order, to dismiss their petition, which shall not prevent their again instituting proceedings for opening, widening, or extending such street or alley, at any time after one year from said dismissal.

§ 65. Appeal may be taken to the circuit court and Court of Appeals, as is now provided in cases of opening public roads.

§ 66. The board shall have full power to keep open all streets, alleys, and other public places, and free them from all obstructions by the infliction of such suitable fines and penalties as may be prescribed by ordinance. The board shall have power by ordinance to cause and procure any or all the streets and alleys in said town now established, or any part or portion thereof, to be graded, paved, macadamized, curbed, and guttered, in such manner as they may direct, at the cost and expense of the lot-owners fronting on each side of said street or alley where such work is done ; the cost and expense, when the work is completed, shall be apportioned between the owners of lots in each square fronting each street where the work is done, in proportion to the number of front feet owned by each person ; and a lien is hereby given to the said town on all lots or parts of lots fronting on such work to secure the payment of the cost of the work : *Provided*, That in no case shall the total assessment or cost of improvement against any person or ground exceed in amount the one fourth actual cash value of the ground owned by such person and subject to said assess-

ment. The balance of the cost of the work shall be paid out of the town treasury.

§ 67. The board shall have full power by ordinance to cause and procure any or all of the sidewalks of said town now established or hereafter to be established to be graded and paved, or improved in such manner as they may direct, at the cost and expense of the lot-owners fronting such street or alley where such work is done. The cost and expense when the work is completed shall be apportioned between the owners of lots fronting on the street or alley where the work is done, in proportion to the number of front feet owned by each person; and a lien is hereby given to said town on all lots and parts of lots fronting such work to secure the payment of the costs of the work; and the said board of trustees are hereby authorized and empowered to sell, lease, or convey to the owner or owners of a lot or lots fronting on the west side of Winter street such part or parts of the west side of said Winter street, beginning at its intersection with Railroad street in said town, and continuing south on said side of said Winter street to the limits of said town, if they may deem proper: *Provided, however,* That nothing herein contained shall be construed as empowering said board of trustees to dispose of said west side of said Winter street, as herein authorized, in any manner, if the effect of such disposition will or shall be to reduce the width of said Winter street, including the sidewalks or pavements, to less than sixty-six feet.

§ 68. The costs and expenses of the work, either for grading, paving, macadamizing, curbing, or guttering, and for grading or paving sidewalks, mentioned in the preceding sections, together with the cost for collecting the same, may be collected as other taxes by the town collector, who shall have power to sell the lots or parts of lots for the same, under such rules and regulations as may be prescribed by ordinance: *Provided,* That the owners of lots or parts of lots sold for such work, who have not consented in writing for said work to be done, shall have two years from the day of sale to redeem the property sold, on paying the purchase money, with ten per centum per annum interest thereon,

with all the taxes and levies that may have subsequently accrued, and ten per centum per annum thereon. And those who have consented in writing may redeem their property at any time within one year from the day of sale, by paying the purchase money and interest at ten (10) per cent., and subsequent taxes and levies and ten per centum thereon: *And provided also*, That infants shall have the privilege of redemption on like terms at any time within one year after the disability is removed.

§ 69. All intersections of streets shall be paved, guttered, and stepping-stones placed or cross walks made, at the expense of the town; and the board may, if they deem it expedient, have all or any street, alley, or sidewalk, or any part thereof, repaired, paved, graded, guttered, or macadamized, at the cost of the town.

§ 70 Where the guttering, grading, and macadamizing of the streets and alleys mentioned above shall have been done at the expense of the owners of the lots fronting on such streets or alleys, under and according to the direction of the board, such streets or alleys shall be kept macadamized and graded at the expense of the town.

§ 71. Where any person has had the street in front of his lot graded, guttered, and paved to the center, and the sidewalk curbed and paved in accordance with the general plan of the work of the town, he shall be free from any assessment for the work done on the balance of the square on which he has had the work thus done; and any person hereafter desiring to do such work shall notify the board of the fact, and shall have the grades given by the board, and do the work according to its direction, or he shall not be exempted as aforesaid.

§ 72. The board shall have the power for any of the work done on the streets, as directed in the foregoing sections, to advance the money, and may, for that purpose, borrow the same and advance it to the contractors: *Provided, however*, That the lien shall always continue upon said lot until the entire cost of the work, and all expenses aforesaid, are fully paid off and discharged.

§ 73. No person or persons shall lay out or extend any street or alley, within the limits of the town, without the consent of a majority of the board; and when any person or persons have, with such consent, laid out, or shall hereafter lay out or extend, any street or alley within the limits of the town, and shall have sold or intend to sell lots binding thereon, the board shall declare the same to be established as a public street or alley, and exercise all the power, jurisdiction, and authority over the same that they have by this charter over other established streets and alleys, and may cause them to be improved as herein provided; but no street shall be laid out or accepted within the town limits which is less than sixty-six feet wide, including the sidewalks or pavements.

Elections.

§ 74. The elections for the said trustees, and for all other officers of said town who are elected, and for the elections of whom no provision is made by law, shall be held on the first Saturday in each March.

§ 75. The board of trustees shall, before such election, appoint as officers thereof two persons, one as a judge and the other as clerk, and the marshal of the town shall act as sheriff. If from any reason the above appointees do not act, it shall be the duty of the marshal to appoint other persons in their stead; and if the marshal refuses or fails to act, the police judge may fill the vacancies by the appointment of competent persons. Officers of town elections shall perform similar services, be entitled to like pay, liable to the same penalties, and governed in all matters not inconsistent with this charter, and in the same way as officers of State elections, which shall be paid by the town.

§ 76. Every male citizen of the age of twenty-one years, who has resided in the State two years, or in Woodford county one year next preceding the election, and who has before said election paid his head or poll-tax for the preceding years, shall be entitled to vote at said election; but said voter shall, at the time of said election, be a resident of said town, and have resided therein for sixty days next preceding

the same; and a list of the delinquent tax-payers shall be furnished the judge of said election by the said board of trustees.

§ 77. The officers conducting the elections herein provided for shall, within two days after the election, certify under oath to the board of trustees the names of the persons elected, and return the certificate, together with the poll-books, to said board, and the certificate so returned shall be recorded by the clerk of said board in his official book.

§ 78. Whenever any two or more persons shall receive the highest and an equal number of votes for the same office, such election may be determined by lot in such manner as the board of trustees may direct. The elections provided for in this act may be contested before said board of trustees; at least five days' notice, in which the grounds of the contest shall be stated, having been first given to the person whose election shall be contested; and no other grounds except those stated in the notice shall be heard as coming from the party giving it; but no contest shall be heard unless the proceedings shall have been commenced within ten days after the election. The decision of said board shall be given in writing, and signed in triplicate, one copy to be entered by the clerk of the board on its official book, another to be delivered by the clerk to the successful party, and the other, when necessary for obtaining a commission, forwarded by mail to the Secretary of State.

§ 79. Whenever any vacancies shall occur in the offices of police judge or marshal, the board of trustees shall appoint some competent person to fill the vacancy, who shall hold his office until the next succeeding August election, and until his successor be duly qualified; and said board of trustees shall issue a writ of election to fill the remaining vacancy, which writ shall be delivered to the marshal of said town, or the sheriff or any constable of Woodford county, notice of which shall be given by the officer to whom it is delivered, by written or printed advertisements posted at three or more public places in said town, at least five days before the election, and published in a newspaper printed in said town, if any such there be. All vacancies in the offices.

of said town, not otherwise provided for, shall be temporarily filled by the board of trustees by appointment until the next succeeding election in March, and until their successors be duly qualified; and the persons appointed under this section shall exercise all the powers, perform the same duties, and be under the same responsibilities and restrictions, as if they had been regularly elected.

§ 80. All resignations of officers shall be tendered to the board of trustees in writing, and shall be noted on the records of said town.

General Provisions.

§ 81. The present police judge of the town of Midway shall remain in office, and exercise all the powers conferred herein on the police judge of Midway, until the August election, one thousand eight hundred and eighty-six, and until his successor be duly qualified, at which election then there shall be an election held to fill said office till the August election of one thousand eight hundred and ninety.

§ 82. The present town marshal of said town shall remain in office, and exercise all the duties, and have all the powers conferred by this act on the marshal of the town of Midway, until the August election of one thousand eight hundred and eighty-four, and until his successor be duly elected or appointed and qualified. All the other officers of said town now in office shall hold the same, and exercise all the powers given them by this act, until their successors be duly elected or appointed and qualified.

§ 83. No bond for costs or other bond shall be required of the town of Midway in any suit or prosecution or legal proceedings, unless the same could be lawfully required under similar circumstances of a resident citizen of this State.

§ 84. All ordinances of the town of Midway now in force not in conflict with this charter shall continue in force until repealed by the board; and all laws vesting rights in or imposing duties upon the town of Midway, not superseded or repealed, shall remain in force until specially repealed by the General Assembly of the Commonwealth of Kentucky.

§ 85. The recognized records of the trustees of the town of Midway, and all bonds and contracts executed to the said town, shall remain in full force; and remaining in the proper offices of said town, are hereby declared to be public records; and copies thereof, certified by the proper officer or keeper thereof, shall be evidence in all the courts to the same extent that the originals would be on due proof; and the keeper of such records may be entitled to fees for copies of same, to be prescribed by ordinance.

§ 86. The board of trustees shall have the power to prescribe penalties for the breach of all ordinances passed by them in pursuance of the powers herein granted; and whenever the penalties have not been prescribed by this act, said penalties may be in any sum not exceeding one hundred dollars.

§ 87. The inhabitants of the town of Midway shall not be required to work on any of the public roads outside of the limits of said town.

Qualifications of Trustees.

§ 88. No person shall be elected trustee of said town unless he be an inhabitant thereof and an owner of real property therein.

§ 89. This act shall take effect from and after its passage; and all acts inconsistent herewith are hereby repealed.

Approved February 29, 1884.

CHAPTER 254.

AN ACT authorizing the county court of Wayne county to borrow money to pay the indebtedness of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Wayne county, a majority of the justices of the peace concurring therein, may borrow the sum of one thousand dollars for the purpose of paying the indebtedness of said county.

§ 2. In order to carry out the provisions of the above section, the county court of said county shall issue bonds, in

denominations of not less than one hundred dollars, to draw six per cent. interest per annum, payable in one and two years from date.

§ 3. Said bonds shall be numbered, signed by the judge of said county court, and attested by the clerk, and stamped with the county seal.

§ 4. Said bonds, when duly executed, shall be placed in the hands of the receiver of said county, who shall negotiate sale of them at their par value, and account to the court for the money arising from said sales under his official bond.

§ 5. The county judge and clerk are required to report to the county court the number and denomination of each bond, to whom issued, and when due, which report the clerk will spread upon the order-book of said court.

§ 6. This act shall take effect from and after its passage.

Approved February 29, 1884.

CHAPTER 255.

AN ACT for the benefit of the Mackville and Perryville Turnpike Road Company.

WHEREAS, The Mackville and Perryville Turnpike Road Company has abandoned its road for a distance of four miles from Mackville, and has ceased to keep the same in repair, and has ceased to keep up its organization for many years; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for said company, by a majority in amount of its stockholders to sell to the Springfield, Pleasant Run, and Mackville Turnpike Road Company, any part of the abandoned portion of said road as aforesaid, together with the toll-house and grounds thereto attached, upon such terms as may be agreed upon; and such sale will confer upon the Springfield, Pleasant Run, and Mackville Turnpike Road Company the same rights, privileges, and franchises, as to so much of said road as may be sold as herein provided, as may be possessed by the said Mackville and Perryville Turnpike Road Company.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 29, 1884.

CHAPTER 256.

AN ACT to establish an additional voting place in Richmond precinct; number one, in Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an additional voting place be, and the same is hereby, established in Richmond precinct, number one, in Madison county; said place of voting to be at such place in the town of Richmond as may be designated by the judge of the Madison county court by an order entered of record in said court at some regular term of the court, to be held at least ten days before a regular or special election; and said place of voting, when designated by the county court, shall be known as voting place number two in said election precinct, and the voting place now provided by law shall be known as voting place number one in said precinct.

§ 2. It shall be the duty of the county court to appoint officers of the election to take the vote of said voting places numbers one and two, at the same time that officers of election are appointed at either precinct in the county.

§ 3. All voters in Richmond election precinct number one, Madison county, living on the north side of a line beginning at a point in the center of the Richmond and Lexington Turnpike Road, in the division line between Richmond and Foxtown precinct; thence with the center of said turnpike road to the center of Main street in the town of Richmond; thence with the center of said street to the center of the Richmond and Big Hill Turnpike Road; thence with the center of said Richmond and Big Hill Turnpike Road to the point where it leaves said Richmond precinct, shall vote at voting place number one, and all the votes in said precinct living on the south side of said line shall vote at voting place number two.

§ 4. The sheriff of Madison county is required to cause fifty notices to be printed in large type, to be paid for as

other election expenses now are, and posted through Richmond precinct at least ten days before the next regular election, informing the citizens of the provisions of this act.

§ 5. This act shall take effect from and after its passage.

Approved February 29, 1884.

CHAPTER 257.

AN ACT to amend an act, entitled "An act to incorporate the Deering Camp Ground Association, in Nicholas county," approved twenty-seventh April, one thousand eight hundred and eighty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the first section of the act of twenty-seventh of April, one thousand eight hundred and eighty, in the preamble to this act referred to, be so amended as that the persons in said first section of said act named, and their successors, be, and they are, created a body-corporate, under the name and style of Deering Camp Ground Association; to have perpetual succession, and shall have right to acquire, hold, sell, convey, or otherwise dispose of every class of property necessary for the uses of the association as indicated by the act to which this is an amendment, not exceeding twenty thousand dollars in value; and in that name may contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts of this Commonwealth, and transact business in said corporate name for corporate purposes.

§ 2. That it shall not be lawful for any person to sell, give, or loan any spirituous, vinous, or malt liquors, or any mixture thereof, at any place within three miles of the camp meeting grounds of said association; and any person so offending, upon conviction, shall be fined in any sum not exceeding thirty dollars nor less than fifteen dollars for each offense. The Nicholas circuit court shall have jurisdiction (concurrent with the justices of the peace of said county) to try, upon indictment by the grand jury, all persons charged with a violation of this act or the act to which it is an amendment; and it shall be the duty of the judge of said circuit court, at each term of his court in said county,

to give the penal portions of this act and the act amended by it in charge to the grand jury.

§ 3. Said association shall have power to select and appoint a police force of such number as it may deem proper, who shall have all the powers and authority, in preserving order, preventing the commission of offenses of every character, and arresting and disposing of offenders for the time they may be so appointed, which sheriffs, constables, town and city marshals, or other like peace officers, have, and their jurisdiction in making arrest of persons guilty of any offense denounced by this act, or the act of which it is an amendment, or of any offense against the laws of the Commonwealth, or to prevent the commission of an offense, shall be coextensive with the courts of Nicholas and Fleming.

§ 4. This act shall be in force from and after its passage.

Approved February 29, 1884.

CHAPTER 259.

AN ACT for the benefit of the Springfield, Willisburg, and Mackville Turnpike Road Company.

WHEREAS, The Springfield, Willisburg, and Mackville Turnpike Road Company has abandoned its road for a distance of four miles from Mackville, and has ceased to keep the same in repair; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the said company, by a majority of its board of directors, to sell to the Springfield, Pleasant Run, and Mackville Turnpike Road Company any part of said abandoned portion of said road, together with the toll-house and grounds thereto attached, upon such terms as may be agreed upon; and such sale will confer upon the Springfield, Pleasant Run, and Mackville Turnpike Road Company the same privileges and franchises, as to so much of said road as it may purchase, as is now by law conferred upon the said Springfield, Willisburg, and Mackville Turnpike Road Company.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 29, 1884.

CHAPTER 260.

AN ACT legalizing an order of the Martin county court of claims, and authorizing said court to levy an ad valorem tax in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the court of claims of Martin county is hereby authorized and empowered to levy an ad valorem tax on the taxable property in Martin county, not to exceed fifty cents on the one hundred dollars' worth of property in any one year, which tax shall be collected as revenue taxes are now by law collected, and shall be paid over by the officer collecting the same on the order of the county court of said county, which money shall be expended for the erecting and repairing of public buildings, and erecting and building bridges in said county.

§ 2. That the order of the Martin county court of claims, made at its October term, one thousand eight hundred and eighty-three, ordering an ad valorem tax of twenty-five cents on each one hundred dollars of property for the year one thousand eight hundred and eighty-four, be, and the same is hereby, made valid.

§ 3. This act shall be in force from and after its passage, and shall continue in force during the years one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, but not longer.

Approved February 29, 1884.

CHAPTER 261.

AN ACT to repeal an act, entitled "An act declaring McGrady's Run creek, in Ohio and Grayson counties, a navigable stream."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act declaring McGrady's Run creek, in Ohio and Grayson counties, a navigable stream," and approved March the eighth, one thousand eight hundred and eighty-two, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 29, 1884.

CHAPTER 262.

AN ACT for the benefit of P. P. Wyles, late Common School Commissioner of Harrison county.

WHEREAS, By an oversight of the Common School Commissioner of Harrison county, thirteen pupils were omitted in the census report of common school district number three for the school year ending June thirtieth, one thousand eight hundred and eighty-three; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his draft on the Auditor of Public Accounts in favor of P. P. Wyles, late Common School Commissioner of said county, for the sum of seventeen (\$17) dollars and three (3) cents (\$17.03), payable out of the unbonded surplus interest of said county, for the school year ending June thirtieth, one thousand eight hundred and eighty-four.

§ 2. This act shall take effect from its passage.

Approved February 29, 1884.

CHAPTER 263.

AN ACT to amend an act, entitled "An act to amend the charter of the Shelby Railroad, and to authorize certain counties to take stock in same," approved February third, one thousand eight hundred and sixty-nine.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Shelby Railroad district, of Shelby county, is hereby authorized and empowered to issue its bonds, not exceeding two hundred and twenty thousand dollars (\$220,000), in denominations of five hundred dollars and one thousand dollars, as the justices of the peace of said district and the county judge of said county may determine.

§ 2. Said bonds shall bear interest at the rate of five per centum per annum, payable semi-annually, evidenced by coupons attached thereto, and the principal shall be paid in twenty years after the date of issue, with the privilege reserved to said district to pay the principal and cancel the coupons after three years from date. The said bonds shall be signed by the county judge and attested by the county court clerk with the seal of the county, and the coupons shall be signed by the county court clerk. The county judge shall receive a reasonable compensation for signing said bonds, not exceeding fifty dollars, and the county court clerk shall receive for his services for attesting said bonds and signing the coupons a sum not exceeding one hundred and fifty dollars, to be fixed by the county judge and justices of the peace of said district. There shall be no charge for the use of the county seal used upon said bonds or coupons, either by the clerk or the Commonwealth of Kentucky.

§ 3. The bonds and coupons shall be payable at such place in the United States as the county judge and said justices of the peace may designate; and they shall be negotiated and sold at not less than par value, and the proceeds shall be applied exclusively to the payment and redemption of the six per cent. bonds issued by said district under the authority of an act approved May the fifth, one thousand eight hundred and eighty.

§ 4. The payment of principal and interest of said bonds shall be provided for by an annual levy of a tax on all of

the property in said Shelby Railroad district in all respects as required by an act approved February third, one thousand eight hundred and sixty-nine, to which this act is an amendment, it being the intention of this act to enable said district to substitute five per cent. bonds herein provided for, for the six per cent. bonds heretofore issued.

§ 5. This act shall take effect from its passage.

Approved February 29, 1884.

CHAPTER 264.

AN ACT to repeal an act, entitled "An act to regulate the advertising of real estate and personal property under execution sales, sales under decrees of judgments, and sales of real estate for State and county taxes in Anderson county, and fixing the compensation therefor," approved April first, one thousand eight hundred and eighty-two, and to adopt the law fixed by the General Statutes for advertising all property for sale under execution or otherwise.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to regulate the advertising of real estate and personal property under execution sales, sales under decrees of judgments, and sales of real estate for State and county taxes in Anderson county, and fixing the compensation therefor," approved April first, one thousand eight hundred and eighty-two, be, and the same is hereby, repealed.

§ 2. And that the law laid down by the statutes of Kentucky for advertising property be, and the same shall be adopted in all sales under executions or otherwise in Anderson county.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 29, 1884.

CHAPTER 265.

AN ACT to amend the charter of the Lebanon, Cissell River, and Loretto Turnpike Company, approved January thirty, one thousand eight hundred and sixty-eight.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the court of claims of Marion county, a majority of the justices being present and concurring, may, in their discretion, subscribe to the capital stock of said company not exceeding one thousand dollars to the mile for each mile built of said road after the passage of this act; and may make the subscription upon such terms as the said county court may deem proper.

§ 2. That said Lebanon, Cissell's River, and Loretto Turnpike Company is hereby empowered to erect anywhere on their road as now constructed as they may choose two toll-gates in lieu of the one said road now has: *Provided*, That said company shall not collect more than half tolls at each of said gates.

§ 3. This act shall be in force from its passage.

Approved February 29, 1884.

CHAPTER 266.

AN ACT to amend the charter of the Springfield, Pleasant Run, and Mackville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Springfield, Pleasant Run, and Mackville Turnpike Road Company," approved February eighteenth, one thousand eight hundred and sixty-eight, be, and the same is, amended so as to authorize said company to extend and construct its road from Mackville to the Mercer county line.

§ 2. It is further enacted, that, to enable said company to extend its road as herein contemplated, it is empowered to purchase from any other turnpike company or companies any portions of their roads in the line of the proposed extension that it may deem proper, and upon such terms as

may be agreed upon by the contracting companies or may be provided by law; and the purchase of any portions of any such road or roads as herein provided, shall confer upon the said Springfield, Pleasant Run, and Mackville Turnpike Road Company, the right to receive and charge for toll at the same rate, and to erect or maintain toll-gates at the same places, as any company it may contract with, as herein provided, may by law have the right to do.

§ 3 The officers and directors of said company shall be elected annually by the stockholders, at the court-house in Springfield, Kentucky, on the first Saturday in May. In such election each stockholder shall be entitled to one vote for each share of stock owned by him, and a majority of those voting shall determine the election.

§ 4. This act shall take effect and be in force from and after its passage.

Approved February 29, 1884.

CHAPTER 267.

AN ACT to amend an act to establish a board of commissioners for Boyd county, and to define their duties, and the duties of other county officers whose duties are connected with the duties of said commissioners, approved February ninth, one thousand eight hundred and eighty-four.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to establish a board of commissioners for Boyd county, and to define their duties, and the duties of other county officers whose duties are connected with the duties of said commissioners," approved February ninth, one thousand eight hundred and eighty-four, be so amended that the commissioners appointed under said act have their first meeting on the second Monday in March, one thousand eight hundred and eighty-four, instead of the second Monday in February, one thousand eight hundred and eighty-four.

§ 2. This act shall take effect from its passage.

Approved February 29, 1884.

CHAPTER 268.

AN ACT to repeal an act, entitled "An act for the benefit of the Lebanon and Bradfordsville Turnpike Road Company," approved January twenty-second, one thousand eight hundred and seventy six, and amended by act approved March seventeen, one thousand eight hundred and seventy-six.

It being made to appear that the bridge to be erected over the Rolling Fork, in Marion county, on the line of the Lebanon and Bradfordsville Turnpike Road, has been completed, and that the Lebanon and Bradfordsville Turnpike Company, by its president and directors, desire to relinquish the right of said company to the tolls and proceeds of the Muldraugh's Hill Turnpike Road, and to be relieved of all responsibility, if any it has, on account of said Muldraugh's Hill Turnpike; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of the Lebanon and Bradfordsville Turnpike Road Company," approved January twenty-second, one thousand eight hundred and seventy-six, and amended by act approved March seventeen, one thousand eight hundred and seventy-six, be, and the same is hereby, repealed, and that from and after this date the tolls and proceeds of said Muldraugh's Hill Turnpike Road shall revert to the State of Kentucky, and that the management and control of said road reverts to and belongs to the State of Kentucky.

§ 2. This act shall be in force from its passage.

Approved February 29, 1884.

CHAPTER 269.

AN ACT to incorporate the Lawrenceburg Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be, and there is hereby, established in the town of Lawrenceburg, Anderson county, Kentucky, a bank by the name of the Lawrenceburg Bank, with a capital stock of fifty thousand dollars, to be divided into

shares of one hundred dollars each, and which may be increased to two hundred thousand dollars.

§ 2. The subscribers and holders of said shares of stock, and their successors and assigns, shall be, and are hereby, created a body-politic and corporate, under the name and style of the Lawrenceburg Bank, and shall so continue a body-politic and corporate until the first day of January, one thousand nine hundred and five; and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places, and in all matters whatever as natural persons; with full power and authority to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of, all such real estate, goods, effects, and chattels as shall be necessary and convenient for the transaction of its business, or which may be conveyed, assigned, delivered, or in any way pledged to said bank, or which may be purchased or conveyed in satisfaction of any debt or any judgment or decree of any court in favor of said bank; and may have and use a common seal, and alter, change, or renew the same at pleasure; and the board of directors of said bank hereinafter provided for may make, ordain, and establish, and put in execution, such by-laws, ordinances, rules and regulations, as said board may deem necessary and proper for the good management of said bank and the prudent and efficient management of its affairs: *Provided*, That the same shall not be in anywise contrary to the Constitution and laws of this State or the United States.

§ 3. The business affairs of said bank shall be managed by a board of not less than three nor more than five directors, a majority of whom shall constitute a quorum for the transaction of business. Any stockholder may be a director. Said directors shall, in all cases, be elected by those owning a majority of the stock, and after the first election (which shall be held at a time and place chosen by those subscribing a majority of the stock) said directors shall be elected at the banking-house of said bank on the Saturday before

the first day of January of each year, and shall continue in office for one year, and until their successors are duly elected. But a failure to hold said election on the day above designated shall in no case operate as a forfeiture of this charter, or in anywise impair the rights and privileges of said corporation; but in such cases the election may be holden on a day appointed by the board of directors after thirty days' written notices by the cashier or president posted at the banking-house of said bank, post-office, and court-house, or two successive publications in any Anderson county newspaper, and shall have the same effect as if holden on the regular day designated for said election. Said election shall, in all cases, be by *viva voce*, and shall be held by a clerk and judge designated by the board of directors at some meeting previous to the same; and the certificate of such clerk and judge shall be conclusive proof of the election of the persons therein named as directors. At all said elections for directors each stockholder shall have one vote for each and every share of stock he or she may own and hold in said bank. Should the board, from any cause, fail to designate a clerk and judge, or either, to hold said election on said regular election day, then the stockholders, or any of them, may appear at said bank, on said regular election day, and elect a board, and the certificate of such stockholders, holding and owning a majority of the stock, shall be conclusive proof and evidence of election, and the directors so elected shall commence their term of office from and after such certificate.

§ 4. Any vacancy occurring in the directory from death, resignation, failure to accept, or from any cause whatsoever, may be filled by the remaining board.

§ 5. The directors chosen may elect a president, cashier, and such officers as they may deem necessary to carry on said bank, fix the salaries thereof, and shall require bonds for the faithful discharge of their duties, and their terms of office shall continue only at the pleasure of the board.

§ 6. Said bank may take deposits or pledges of stock in this bank, or other stocks, bonds, real estate, choses in action, judgments of courts, warehouse receipts, or other

things to secure it for any money or demands that may be due or owing said bank by persons so depositing or pledging; and said bank shall have a superior and first lien on all such stocks and securities pledged as aforesaid; and said bank shall have the right, in order to realize upon the same, to sell them in any way agreed upon between the parties.

§ 7. F. M. Robinson, W. E. Bell, A. C. Witherspoon, J. I. Felix, P. H. Thomas, J. W. Gilbert, J. M. Johnson, R. H. Crossfield, W. B. Saffell, and Wm. P. Cox shall constitute a committee (any two of whom may act) to receive subscriptions for stock, and the books shall be kept open for subscriptions until fifty thousand dollars shall have been taken; but the failure to secure the whole of the fifty thousand dollars in subscriptions of stock shall in no sense work or operate as a forfeiture of this charter; but as soon as as much as thirty thousand dollars of stock shall have been subscribed and paid in, said corporation shall be complete in all senses and for all purposes whatsoever, and said bank may then commence business and have all the rights and privileges of this charter.

§ 8. Private property of the individual stockholders shall in no case be responsible for the corporate debts or liabilities.

§ 9. The regular meeting of the board of directors shall be on every Saturday; but the president may call a meeting at any time he may think proper.

§ 10. Dividends, if any, shall be declared on the Saturday before the first day of January and July of each year.

§ 11. Said bank shall pay to the State of Kentucky fifty cents tax on each share of its capital stock, which shall be in lieu of all taxes whatever.

§ 12. Said bank may go into liquidation, wind up its affairs, reduce its stock, or increase its stock, in any way not inconsistent with this charter and the rights of the stockholders, any time upon the written desire of those owning a majority of the stock.

§ 13. This act shall take effect and be in force from and after its passage, and the incorporators, F. M. Robinson, J. I. Felix, A. C. Witherspoon, W. E. Bell, and J. M. John-

son (any three of whom may act and constitute a quorum for all purposes whatsoever) shall have all the power and authority of directors until their successors are elected.

Approved February 29, 1884.

CHAPTER 270.

AN ACT for the benefit of Nero Givens, of Lyon county.

WHEREAS, Nero Givens, of Lyon county, Kentucky, has for several years been preparing and using a remedy for rheumatism, and other like diseases, that has so far proved valuable as to have effected very many wonderful cures, and upon which he has lately been granted a patent; and whereas, the said Nero Givens is being continually called on to make and apply said remedy, and is thereby prevented from following any other business or occupation; and whereas, under the provisions of an act of the General Assembly of Kentucky, entitled "An act to protect citizens of this Commonwealth from empiricism," the said Givens cannot by law collect any compensation for such services; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Nero Givens be, and is hereby, exempt from the operation of said above-named act; and that he is authorized to collect fees for services in the same manner that other persons are allowed to collect for medical services rendered.

§ 2. *Provided*, That this act shall not be so construed as to exempt him from the operation of the general laws concerning empiricism, except as to the use and application of the said remedy.

§ 3. This act shall take effect and be in force from its passage.

[Became a law without the signature of the Governor.]

CHAPTER 271.

AN ACT for the benefit of W. M. Wallis, of Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. M. Wallis, a citizen of Trigg county, be, and he is hereby, authorized and permitted to peddle goods, wares, merchandise, and so forth, except spirituous, vinous, or malt liquors, or the mixture thereof, in the county of Trigg, without taking out the license required by law.

§ 2. This act shall be in force from and after its passage.

[Became a law without the signature of the Governor.]

CHAPTER 272.

AN ACT empowering G. B. Woodcock to peddle clocks in Warren county without license.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That G. B. Woodcock, of Warren county, be empowered, and he is hereby authorized, to peddle clocks in Warren county without license.

§ 2. This act shall take effect and be in force from its passage.

[Became a law without the signature of the Governor.]

CHAPTER 273.

AN ACT authorizing the county court of Lee county to levy and collect an ad valorem tax for the purpose of raising money to purchase and build poor house property, and a jail and jailer's residence in and for said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Lee county be, and is hereby, authorized to levy an ad valorem tax of not more than twenty-five cents on the one hundred dollars' worth of taxable property in the said county of Lee, for such number of years as said court shall deem proper, for the purpose of enabling said county court to raise money to pay for a poor-

house and farm for poor-house property, and the erection of a jail and jailer's residence in and for said county; said levy to be made at the regular term of the Lee county court of claims, and only by the concurrence of a majority of the justices of the peace of said county.

§ 2. That when said levy is so made, it shall be the duty of the sheriff of Lee county to collect said ad valorem taxes and account to said county court for same, in the same manner the State revenue is now collected; and said sheriff of Lee county is hereby authorized to collect said ad valorem taxes, when so levied, in the same manner as State revenue is now collected: *Provided, however,* Before the sheriff shall proceed to collect said tax he shall give bond before the county court, with good security, for the faithful collection of said tax and the payment of the same over to those authorized to receive the same.

§ 3. This act shall take effect and be in force from and after its passage.

Approved. March 3, 1884.

CHAPTER 274.

AN ACT to incorporate the town of Yosemite, in Casey county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Yosemite, in Casey county, be, and the same is hereby, incorporated. The corporate limits of said town shall be as follows: Beginning at the ford of Green river, on the south side, at the Liberty and Middleburg pike; thence south a straight line one mile; thence east a straight line one mile; thence northwardly to Green river; thence down Green river with the meanders thereof to the beginning.

§ 2. That the foregoing boundary shall, to all intents and purposes, be within the jurisdiction and under the operation of the laws applicable to said town, and in all respects regarded as a part of said town.

§ 3. That the fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall

be vested in five trustees, three of whom shall form a quorum to transact business, and all of whom shall be twenty-one years of age, and residents of said town, and freeholders therein at the time of their election.

§ 4. That said trustees and their successors shall be a body-politic and corporate, and shall be known by the name and style of the Board of Trustees of the Town of Yosemite, and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all the courts of this Commonwealth.

§ 5. Said trustees shall be elected annually on the first Saturday in June by the male inhabitants of said town, who are twenty-one years of age and *bona fide* residents of said town at the time they offer to vote; that said trustees, before they enter upon the discharge of their duties, shall take an oath before some justice of the peace of said county that they will faithfully discharge the duties of their office.

§ 6. That said trustees shall elect one of their number as chairman, who shall preside over the deliberations of said board when convened, and who shall have power to convene the board in session when he may deem it necessary; the regular meetings of said board shall be on the second Saturday in each month.

§ 7. That said trustees shall have power over the streets, alleys, and sidewalks of said town, and may direct the opening and improvment of the same in such manner as they may deem most beneficial to said town; they shall have power to make all by-laws for the regulation and good government of said town not inconsistent with the Constitution and laws of the United States and of this Commonwealth. Said trustees shall have power to tax auction sales, shows, and all other public exhibitions, such sums as they in their by-laws may fix. It shall be the duty of said board of trustees to appoint a treasurer, clerk, and such other officers as they may deem necessary, and to take bonds and security on the part of such officers for the faithful performance of their duty; and for a violation of their duty motions may be made or suits brought on said bonds against said officers and their

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sureties before any tribunal having jurisdiction thereof; and said trustees may, for proper cause, remove any officer appointed by them, and appoint others in his or their stead; and that it shall be the duty of said treasurer and clerk to keep a record of all proceedings which properly belong to their respective offices; and it shall be the duty of said treasurer to render an account to said board of trustees for all moneys received and paid out by him whenever by them requested so to do.

§ 8. That no money shall be drawn from the treasury except by the order of the chairman of said board of trustees made in pursuance of an allowance made by said board.

§ 9. The trustees of said town shall have the right to assess such fines and punishments as they may think proper for the violation of any by-law they may make: *Provided*. The same shall not be greater and the punishment more severe than that imposed by the general laws of the State of Kentucky, or inconsistent therewith.

§ 10. All fines and forfeitures inflicted and collected under the ordinances and by-laws of said town shall be paid to the treasurer of said board of trustees for the use and benefit of said town, and be subject to the order of the chairman of the board of trustees of said town.

§ 11. That all the ordinances and by-laws passed by said board of trustees shall be transcribed, in a fair and legible hand, in a book to be kept for that purpose by the clerk of said board, which shall be open for inspection to each and every citizen on demand.

§ 12. The first election of trustees under this act of incorporation shall be holden on the first Saturday in June next, under the supervision of Robert McWhorter and William Sweeney, as judges, who are hereby authorized and empowered to appoint a clerk and sheriff to assist in said election; the trustees elected at said election shall hold their offices until the first Saturday in June, one thousand eight hundred and eighty-five, or until their successors are elected and qualified.

§ 13. The first board of trustees under this act shall provide, prior to the next election, proper officers for holding the same, and if, for any cause, the annual election contemplated

by this act of incorporation for a board of trustees and other elective officers provided for in this act shall fail to be holden, the board of trustees then in office shall make the necessary provisions for holding said election as soon thereafter as may be, and they then shall give at least ten days' notice of the time and place of holding said election by written notices posted in at least three public places in said town.

§ 14. That the said board of trustees shall have no power or authority to grant license to any person or persons whatever for the sale of spirituous, vinous, or malt liquors within said corporate limits; and no merchant, grocer, tavern-keeper, or druggist, or any other person or persons, shall be permitted to sell any spirituous, vinous, or malt liquors, or any mixture of the same, or any of the so-called preparations of bitters, within the limits of said corporation; and all and any person found guilty of violating the foregoing provisions shall be fined, for each and every such offense, the sum of sixty dollars.

§ 15. At the same time and in the same manner herein provided for the election of trustees an election shall be held for the office of police judge and town marshal for said town; no person having the right to vote at said election for said officers except those qualified to vote for trustees of said town as herein provided; said police judge and town marshal to have the same qualifications as the trustees herein are required to have. The police judge shall be known by the style of the police judge of Yosemite; and he shall have, within the boundaries of said town as established by this act, all the civil and criminal jurisdiction which by existing laws are conferred upon justices of the peace of Casey county; and, in addition thereto, shall have all jurisdiction in felonies and misdemeanors which by the Code of Practice is especially conferred upon police judges as such. He shall be a conservator of the peace, and have jurisdiction over affrays, assaults or batteries, breaches of the peace, unlawful assemblies, all cases of indecent or immoral behavior, or conduct calculated to disturb the peace and dignity of said town; over all cases of Sabbath-breaking, running horses, firing guns or pistols, making report by bombing pow-

der, blowing horns, hallooing aloud, by day or night, or other riotous and disorderly conduct whatever, within the limits of said town, all of which are hereby declared misdemeanors; and all fines imposed by him for any of the above-named misdemeanors shall, when collected, be paid into the treasury of said town. He shall have power to impose fines in cases of misdemeanors to the amount of thirty dollars; but in all cases the accused shall be entitled to a trial by jury where the fine exceeds ten dollars. He shall have jurisdiction of all offenses or causes arising out of the by-laws of said town passed by the board of trustees for the enforcement of the power granted them by law. He shall have power to issue subpœnas for witnesses in cases pending before him, and upon their failure to attend may award compulsory process to compel their attendance. He shall have power to fine and imprison for contempts: *Provided*, The fine does not exceed five dollars and the imprisonment four hours.

§ 16. That upon all judgments rendered by said police judge, either party shall have the right of appeal from said judgments in the same state of cases and in the same manner that appeals are taken from judgments of justices of the peace.

§ 17. That the fees allowed said police judge shall be the same as are by law allowed justices of the peace for similar services.

§ 18. That the police judge and marshal herein named, before entering upon the duties of their respective offices, they shall execute such bonds and take such oaths before the same tribunal as required by law of justices of the peace and constables of Casey county, and that all laws applicable to the duties, privileges, powers, and responsibilities of justices of the peace of Casey county, shall be applicable to the police judge of the town of Yosemite.

§ 19. That the certificate of the officers of election held in the town of Yosemite, stating therein the name of the person duly elected police judge thereof, when returned to the clerk of the county court of Casey county, together with the certificate of the clerk indorsed thereon that said officers

abovesaid have made oath before him as to the correctness of the same, together with his official seal thereon, when filed with the Governor of this Commonwealth, shall authorize and direct him to issue a commission to the person named in said certificate as being elected police judge of said town.

§ 20. The marshal shall see that the ordinances of said town are carried into execution, and shall collect and pay over to the treasurer of said town all fines imposed by the police judge for misdemeanors as provided in this act, and shall serve all processes and precepts to him directed by said police judge, and make due return thereof; collect executions and other demands placed in his hands to collect, and account for and pay over such sums to the person or persons entitled thereto under the rules and regulations required by law of constables in the collection of executions and other demands; and on failure to discharge any of the duties required of him, shall be subject to the same proceedings which may be had against constables in similar cases. Said marshal shall be entitled to the same fees as constables are allowed by law for like services.

§ 21. The police judge and marshal of said town shall hold their respective offices for the term of one year from the date of their election, and until their successors are elected and qualified.

§ 22. All vacancies that may occur after an election, in either the offices of trustee, police judge, or marshal, may be filled by a majority of the board of trustees then in office until the succeeding annual election, and until his successor is elected and qualified; and the certificate of the chairman of the board of trustees shall be sufficient evidence of appointment for the Governor to issue a commission to the appointee as police judge of the town of Yosemite.

§ 23. That when a conviction is had for a violation of any law or ordinance of said town, and the party or parties fail to immediately pay or replevy the fine imposed, the police judge or justice of the peace, before whom the trial is had, may issue his mittimus, directed to the jailer of Casey county, commanding him to receive and safely keep the prisoner the time prescribed in said mittimus, or until he is

discharged by due process of law: *Provided*, The time of imprisonment does not exceed two days for each two dollars of the fine imposed. The fees of the jailer, when a person is committed upon a mittimus of the police judge or justice of the peace for a violation of the by-laws or ordinances of said town, to be paid by the board of trustees of said town.

§ 24. The marshal of said town shall have full power to carry the ordinances and by-laws of the board of trustees of said town into effect; and all warrants issued by the police judge or a justice of the peace for any infraction of the by-laws or ordinances of said town, or any violation of any of the laws of the land, shall be issued in the name of the Commonwealth of Kentucky, and directed to the marshal of said town or any constable of Casey county, whose duty it shall be to execute the same and return it before the police judge of said town.

§ 25. The processes in any civil case pending before the police judge may be directed by him to the marshal or any constable of Casey county, and may be executed by any officer authorized to execute a summons by the Civil Code of Practice.

§ 26. That all prosecutions for the violation or infraction of the by-laws or ordinances of said town, or any violation of the laws of the land, shall be tried by the police judge of said town as soon as practicable. He shall hold a court for the trial of civil causes every three months—the time of holding to be fixed by the Casey county court: *Provided*, It shall not be in the same month that justices of the peace in said county hold their courts.

§ 27. That all acts and parts of acts coming in conflict with this act be, and the same are hereby, repealed.

§ 28. That this act take effect from and after its passage.

Approved March 3, 1884.

CHAPTER 275.

AN ACT to incorporate the Barren River Turnpike Road Company, in Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. [That] H. Y. Gardner, John Thomas, James Phillips, E. A. Porter, Charles Burnam, C. S. Donaldson, James Lucas, and L. A. Graham, and their successors, be, and they are hereby, declared a body-corporate, with perpetual succession, for the purpose of constructing and keeping up a turnpike road in Warren county, leading from the Louisville and Nashville Turnpike Road, at a point north of the city of Bowling Green, between the location of the present toll-gate and where the Louisville and Nashville Railroad crosses said turnpike; up Barren river, with the general direction of the Old Glasgow road, on the most practicable and economical route, to Polkville, in Warren county.

§ 2. Said corporators, or any three of whom, may at any time and place open books and receive subscription of stock to said road in shares of fifty dollars each. The amount of stock shall be fixed by said corporators, so much per mile, as in their judgment may be necessary to build their road; and when stock enough to build two miles thereof has been obtained, said corporators may organize the company, by the name and style of "The Barren River Turnpike Road Company;" and the stockholders may elect three or five directors to manage the affairs of said company, one of whom shall be the president of the board of directors; and the board shall continue in office one year, or until their successors are elected, and may appoint its subordinate officers, and make such rules and regulations for the government of the company and the transaction of its business as they may deem expedient, not inconsistent with the Constitution and laws of the United States and the State of Kentucky. The company shall have all the powers conferred by the general laws of the State to procure the right of way and materials for their road.

§ 3. That said road shall be opened at least twenty feet wide, and not more than thirty feet, and graded at least

eighteen feet wide, and the artificial part thereof covered with stone or gravel shall not be less than fourteen feet wide; the elevation of the grade of the road shall be fixed and regulated by the president and directors of the company.

§ 4. The president and directors, or their surveyors, engineers, and employes are hereby authorized and empowered to enter in and upon the lands and inclosures, public roads and highways in, through, and over which the said road may to them appear most practicable in its most economical construction, and to examine and survey the grounds, quarries, gravel-beds, and timber lands along the line or convenient thereto.

§ 5. Said board shall have power by gift, release, or purchase to acquire the right of way for their road, and all the materials necessary to construct the same: *Provided, however,* That if they shall not be able to agree with the owner or owners of such land and materials as to the value of the same, or as to the damage of the same to such owner or owners by the removal of such materials and the building of said road, then said board may proceed to obtain a writ of *ad quod damnum* to assess the damages which may be sustained by the owners of said lands; and the jury, in assessing the damages, shall take into consideration the advantages and disadvantages resulting to the party claiming damages by the establishment of said road, and upon the payment or tender of the damages assessed, it shall be lawful for the president and directors to open and make said road, and dig and carry away stone, gravel, or other materials necessary to make or repair said road.

§ 6. Whenever two consecutive miles of said road shall have been completed, the president and directors shall have power to erect a toll-gate and charge a proportionate amount of toll; also shall have the power to obtain in fee, by purchase or condemnation, not exceeding one acre of land, upon which a gate-house may be erected.

§ 7. That the Warren county court (a majority of the justices concurring therein) is hereby authorized to take

stock in said road to an amount not exceeding seven hundred and fifty dollars per mile.

§ 8. This act shall be in force from and after its passage.

Approved March 3, 1884.

CHAPTER 276.

AN ACT to repeal an act, entitled "An act authorizing the county court of Boone county to appoint commissioners to construct turnpike roads in certain districts in said county, and to levy a tax on the property lying in said districts for that purpose"

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said act be, and the same is hereby, repealed: *Provided, however,* That nothing herein shall be so construed as to invalidate the construction or operation of any turnpike road that may have been constructed or operated under the provisions of the act which this act is intended to repeal.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 3, 1884.

CHAPTER 277.

AN ACT to incorporate the Louisville Merchants' Private Police and Detective Agency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joseph H. Browning, Michael Hanlon, Daniel Longaker, Alfred H. Johnson, Thomas J. Horton, and William F. Ernest, their associates and successors, be, and they are hereby, incorporated and made a body-politic and corporate, under the name and style of the Louisville Merchants' Private Police and Detective Agency.

§ 2. That, the said company may, by or under its corporate title, make and use a corporate seal, which it may alter or renew at pleasure; and may sue and be sued, plead and be impleaded, contract and be contracted with, and make

by-laws, rules and regulations, consistent with the existing laws of the State, for the government of all under its authority, the management of its estates and properties, and the due and orderly conduct of its affairs.

§ 3. The first named persons in this act shall constitute the first board of directors of the company, and shall remain in office until the first regular meeting of the members thereof; at such first meeting, and at every annual, so many directors may be elected as may be prescribed by the by-laws and regulations of said company, and shall continue in office until their successors are elected and qualified.

§ 4. The membership of said association shall at no time exceed forty in number.

§ 5. The expenses and debts of said corporation shall be paid out of a fund to be realized from initiation fees and dues, the amount of which shall be prescribed by the by-laws; but the private property of members shall not be liable for corporate debts.

§ 6. The principal office of said company shall be in Louisville, Kentucky.

§ 7. The names of the officers of said corporation, and the duties of each, shall be prescribed by the by-laws.

§ 8. The power of arrest, as possessed by police and detectives in the city of Louisville, is given to the members of said company, with the power also to imprison the party or parties arrested in any jail or station-house in this State, to remain until released, by bail or otherwise, by the proper State or municipal authorities: *Provided, however,* That no member of said company shall be so authorized to make arrests until he shall have first given bond before the clerk of the county court of Jefferson county, Kentucky, with good security, to be approved by the judge of said county court, and shall have been duly sworn in by the said judge to faithfully perform the duties of his office, nor until he shall have received from said clerk a certificate, signed also by said judge, to the effect that these requirements have been complied with; for the issuing of which certificate the said clerk shall be allowed a fee of fifty cents, to be paid by the applicant. Said party and his bondsman shall be personally liable for

any and all his wrongful acts. No one who has been convicted of a felony, and not pardoned, shall become a member of this society, and all members shall be able to read and write the English language intelligently.

§ 9. The said corporation may adopt a badge, to be worn by the members, and the mayor and jailer and county judge in Louisville, in Jefferson county, shall be notified of the adoption of said badge, and the nature thereof; and any person who shall falsely represent himself to be a member of said company, by badge or otherwise, shall be punished by a fine of not less than twenty-five nor more than fifty dollars.

§ 10. The members of said company shall be under the charge and direction of their own officers; and, upon indictment and conviction, shall be liable to a fine of not less than twenty-five nor more than two hundred dollars for any violation of any of the provisions of this act.

§ 11. Said corporation may adopt a scale of prices and charges for their services, to be collected from the party or parties employing them.

§ 12. Every arrest made by any officer of this corporation shall be registered with the jailer or station-house keeper with whom imprisoned, in the county where such arrest is made, within a reasonable time thereafter, giving name of party arrested, charge against him, and name of arresting officer.

§ 13. No part of this act, directly or indirectly, is intended to make the State of Kentucky or any county, city, or town therein, in any way liable for any salaries or fees whatsoever, it being expressly intended that said company shall be compensated for all services rendered by the party employing them.

§ 14. This act shall take effect from and after its passage.

Approved March 3, 1884.

LAWS OF KENTUCKY.

CHAPTER 280.

AN ACT for the benefit of James N. Pool, of Webster county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James N. Pool, of Webster county, be, and is, permitted to trade and be traded with, to sue and be sued, to contract and be contracted with, to receive money and receipt for same, and all his acts of business to be binding and enforceable as if he were twenty-one years of age.

§ 2. This act to be in force from its passage.

Approved March 3, 1884.

CHAPTER 285.

AN ACT to prevent stock from running at large in West Point and vicinity, in Hardin and Meade counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act, it shall not be lawful for any person or persons within the following boundary, to-wit: Beginning at the mouth of Salt river, in Hardin and Meade counties, Kentucky, then up said river to Pusey's old mill-seat; thence on a line to Fred Wobbie's, from that point, with the road that leads to Thomas Kellie's; thence a straight line to the Munskie's house; thence with the division line of the lands owned and occupied by S. E. Sheets and J. M. Rahm to the Elizabethtown and West Point Turnpike Road; thence with said turnpike road to where the Garnettsville dirt road intersects said turnpike road; thence with said Garnettsville dirt road, and foot of Muldraugh's Hill, to the mouth of Fletcher's spring hollow; thence with Fletcher's spring branch to Abram's run; thence with said run to its mouth at the Ohio river; thence up said river to the beginning, all in Hardin and Meade counties, Kentucky, to permit or allow their stock of any description to run at large off their premises, or premises which they may at the time have in possession; and any person or persons so offending shall be liable to such penalties as are hereinafter provided for in this act.

§ 2. That it shall be the duty of the sheriff, or any constable or town marshal of Hardin and Meade counties, to seize any stock of any description running at large in the boundary as described in section one of this act, and impound said stock of any description, and provide for their care and keeping until the owner of such stock of any description shall have redeemed them by the payment of all fees and cost incident to said procedure.

§ 3. That whenever any stock of any description shall be found trespassing upon any lands inside the boundary as described in section one of this act, that is used for farming, grazing, or any other agricultural purposes, the owner of such stock shall be liable for all damages done, and all fees and cost incident to the prosecution of such trespass, recoverable before any officer having competent jurisdiction; and the party injured shall have a lien upon such stock of any description found trespassing as aforesaid for all damages, costs, and fees.

§ 4. That the officer shall be entitled to the following fees for taking up any stock of any description found trespassing as hereinbefore described: for each horse, jack, mule, or colt, one dollar; for each bull, cow, ox, heifer, or calf, fifty cents; for each sheep or hog over three months old, twenty-five cents; and all expenses incurred by him in impounding and taking care of the same: *Provided, however,* That the owner is not in active pursuit of same.

§ 5. That the officer making the seizure shall advertise all stock seized by him, if not redeemed within five days after the seizure of same, for sale in the boundary as described in section one of this act ten days before selling. The sale shall be made on a credit of three months, the purchaser to give bond approved by the officer and payable to him. The officer shall be entitled to the same commission and fees as are allowed by law for sales under execution for debt; and when the bond shall be collected, he shall pay the residue, after all expenses are paid, to the owner of said stock of any description so sold by him, and the officer shall be responsible on his official bond for his acts in the premises.

§ 6. Cows giving milk, and are kept for milking, shall, after the first day of May, one thousand eight hundred and eighty-four, be excluded from the provisions of this act.

§ 7. This act shall take effect from and after its passage, and shall be in force two years from its passage.

Approved March 3, 1884.

CHAPTER 286.

AN ACT for the benefit of John P. Davis, late Common School Commissioner of Knox county.

WHEREAS, By an oversight of the common school commissioner of Knox county, twenty-one (21) pupil children were omitted in the census report of the common school commissioner to the Superintendent of Public Instruction, for district number twenty-one, school year ending June thirtieth, one thousand eight hundred and eighty; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his draft on the Auditor of Public Accounts in favor of John P. Davis, late common school commissioner of said county, for the sum of twenty-seven (27) dollars and nine (9) cents (\$27.09), payable out of the unbonded surplus interest of said county for the school year ending June thirtieth, one thousand eight hundred and eighty-four.

§ 2. This act shall take effect from its passage.

Approved March 3, 1884.

CHAPTER 287.

AN ACT to incorporate the High School Company of Flat Gap, in Johnson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Henry Daniel, Dock Woods, William Jayne, Hiram E. Canly, Alexander Rice, Ransom Lyon, and Wallis Bailey, and their associates and successors, be, and are

hereby, created a body-corporate, under the name of Flat Gap High School Company'; and shall have power and authority by that name to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and defend, in all courts and places; and may have and use a common seal, with power to alter or change the same at will.

§ 2. That the capital stock of said company shall not be less than three thousand dollars, in shares of twenty-five dollars each.

§ 3. That it shall be lawful for the corporators named in the first section of this act to open books for the subscription of the capital stock named in the second section of this act. Any three of said board shall have power to act at all times, and when the sum of three thousand dollars is subscribed, said corporators shall call an election, and the stockholders shall elect five trustees as successors of said corporators, with power to elect from their number a president, secretary, and treasurer.

§ 4. At least ten days' notice shall be given of the time and place of holding said election of the board of trustees; and all future elections shall be held annually on the first Saturday in May.

§ 5. All stockholders shall be entitled to one vote for each share of stock he or she may own, either in person or by proxy.

§ 6. The treasurer shall be required to give a good and sufficient bond for the faithful performance of his duties as such. It shall be the duty of the said treasurer to receive all moneys, receipt for the same, and pay it out on the order of the board of trustees, and signed by the president, taking a receipt therefor; and he shall keep a record, in a well-bound book, for his acts, always open to the inspection of the board; and he shall perform such other duties as directed by the board.

§ 7. The secretary shall attend all meetings of the board, keep all records and papers, and perform such other duties as the board may require.

§ 8. The board of trustees, immediately after its organization, shall proceed to secure suitable grounds, and have erected on the same suitable buildings for school purposes.

§ 9. The board of trustees shall have power to make such by-laws, rules and regulations, as may be necessary for their government, not to conflict, however, with the several sections of this charter or the Constitution or laws of the Commonwealth. They shall also have power to employ or discharge teachers or superintendent of said school as their judgment may direct.

§ 10. The board of trustees shall have power to confer upon graduates of said institution such diplomas, honors, and degrees, as evidence of scholarship, as are usual in schools and colleges of like standing in this Commonwealth.

§ 11. The board of trustees shall have power to fill all vacancies by death, removal, resignation, or otherwise, that may occur in said board.

§ 12. The individual property of the stockholders shall not be subject to the liabilities of this corporation.

§ 13 This act shall take effect from and after its passage.

Approved March 3, 1884.

CHAPTER 288.

AN ACT to amend the charter of the High Grove and Sayers' Depot Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to incorporate the High Grove and Sayers' Depot Turnpike Road Company, approved February thirteenth, one thousand eight hundred and sixty-eight, be so amended that said company shall hereafter be known as the Deatsville, High Grove, and East Fork Turnpike Road Company.

§ 2. Said company are authorized to increase their capital stock to twenty thousand dollars, and extend their road from where, or from a point near where, it intersects the Bardstown and Louisville Turnpike Road to the Bloomfield

and Louisville Turnpike Road, at or near Posey D. Grant's mill-dam, in Nelson county, Kentucky.

§ 3. And the county court of Nelson county shall have power, a majority of the justices concurring therein, to subscribe an additional sum, not exceeding two hundred and fifty dollars per mile, to that portion of the road not yet completed.

§ 4. This act to take effect from its passage.

Approved March 3, 1884.

CHAPTER 289.

AN ACT to incorporate the Fairview Cemetery Company, in Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That H. Trigg, B. R. Lancaster, J. W. Ireland, J. M. White, G. W. Glass, F. G. True, E. Arnold, W. W. Lee, R. J. Neal, and W. A. Lee, and their successors in office, be, and they are hereby, created a body corporate and politic, under the name and style of "The Fairview Cemetery Company;" and by that name said company shall have perpetual succession, and shall be able and capable in law to have and use a common seal, to sue and be sued, plead and be impleaded, defend and be defended, in all courts of this Commonwealth, and elsewhere.

§ 2. They shall have power to purchase other lands than that now owned by them; and said land now owned by them, and which may be conveyed to said company, shall be held solely and exclusively for a cemetery, and shall never be sold or used for any other purpose whatever.

§ 3. The grounds and fixtures, and everything growing thereon, shall be exempt from taxation, and no part thereof shall ever be subject to sale by virtue of mortgage, judgment, execution, or decree, or any cause whatever.

§ 4. That said company may take or receive, by gift or otherwise, any land or other property to be held by them for the purpose of ornamenting, improving, or extending the

grounds of the company, subject to the restrictions aforesaid.

§ 5. The affairs of this corporation shall be managed by a board, consisting of three trustees, to be elected annually by a majority of the above-named persons, or their representatives, who shall, at the same time, elect a secretary and a treasurer, and require of him such bond as they may deem necessary; the first election to be held on the second Saturday in September, one thousand eight hundred and eighty-four, and annually thereafter.

§ 6. They shall cause to be prepared and kept an accurate map and survey of the grounds and lots in said cemetery.

§ 7. They shall have power to make by-laws for the regulation and control of lots, and for the control, care, and management of the grounds and graves, and the mode of ornamenting the same.

§ 8. They shall have power to enter upon any of the lots and remove any ornaments, fixtures, or shrubbery that may be planted on said lots against the regulations or by-laws of said company.

§ 9. That said trustees shall have power to sell burial lots, at either public or private sale, and when sold, it shall be the duty of the chairman of the board of trustees to execute to the purchaser, giving the number of lot or lots, a certificate thereof, which shall vest the purchaser with title to said lot or lots, said certificate to be attested by the secretary.

§ 10. If, from any cause, the election is not held for trustees as herein required, said trustees in office shall order an election to be held on the request of any stockholder. Said trustees to give ten days' written notice, setting forth the time and place of holding the same.

§ 11. That W. A. Lee, B. R. Lancaster, and R. J. Neal shall constitute the first board of trustees, and E. Arnold secretary, and J. W. Ireland, treasurer, to hold their office until their successors are elected and qualified.

§ 12. That all business which has been done by said company or trustees is hereby legalized, and to have the same

effect as if this charter had been granted before said business was transacted.

§ 13. The board of trustees shall be held personally responsible for all purchase money for lots, provided they sell to or allow any irresponsible person to bury their dead in a lot before the payment of said lot or lots is secured.

§ 14. Sale of lots: Any purchaser failing to pay the contract price for a lot or lots bargained for, within the space of three months from the date of such contract, shall forfeit all claim to the same, and the lot or lots, with all improvements thereon, shall revert to the corporation, and be held as if never sold. If any interments have been made in such lot or lots, the trustees shall have power to remove, or cause the bodies to be removed, to any public ground kept for burial purposes, or to a place set apart for that purpose in said cemetery: *Provided*, That the said trustees shall give a written notice to the person or persons in whose name such lot or lots are purchased of at least thirty days before such action; and if such person or persons cannot be found, then said notice is to be posted in said lot or lots for sixty days.

§ 15. That any lot-owner who attempts to inter a colored person in any lot in said cemetery, shall forfeit said lot to said company with all its improvements, and the said trustees shall have power to prohibit the interment of such colored person.

§ 16. That the trustee shall have power to appoint, from time to time, such superintendent and other officers as they may think necessary, and take from them such bond as may be required. The proceeds of the sales of lots, all money that may come to the corporation from any other source, shall be applied first to reimburse those who have made advancements for the original outlay and purchase of the establishment, and shall forever afterwards be applied to ornament and improve the grounds and defray incidental expenses and the purchase of additional ground.

§ 17. The title of any lot may be transferred according to such rules as may be prescribed by the by-laws of the corporation, but in no other way; if not transferred by the grantee, it shall descend or pass by devise as other real es-

tate. The lots of the original stockholders shall descend in the same manner. None of the lots in said cemetery shall ever be used for any other purpose than burial lots; and if applied to any other use, the title shall revert to the corporation.

§ 18. That upon the death of any one of the above named corporatives, the remaining members shall have the power to select from the family, or representatives of said deceased, a person to represent him in said corporation, and such person so selected shall have the same powers as one of the original corporatives.

§ 19. That if any person or persons shall forcibly, and without lawful authority, violate any of the graves of the dead, or any vault which may be erected on the grounds of the company, or willfully injure any of the ornaments, shrubbery, fencing, fixtures, or buildings, or in any way damage the grounds or other property of the company, such person or persons so offending, and those who may aid or abet therein, shall be punished by fine not less than ten dollars, or imprisonment in the county jail not exceeding six months, or both, which may be by warrant before any court having jurisdiction, and shall also be liable to the company in an action for damages in any court having jurisdiction thereof; which damages, when recovered, and fines, shall be for the company, and shall be applied by the company to the repairing the injury committed, and the residue, if any, to be used in repairing and improving the ground and fixtures.

§ 20. This act shall take effect from its passage.

Approved March 3, 1884.

CHAPTER 290.

AN ACT to amend an act and reduce into one the several acts in regard to the city of Lebanon.

ARTICLE I.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of Lebanon shall extend one-half mile from the court-house in every

direction, and shall be known, and is hereby declared, the extent and limits of said town. The board of trustees of Lebanon, and their successors in office, are hereby created a body-politic and corporate, and shall be known by the name and style of the board of trustees of Lebanon; and in that name may sue and be sued, contract and be contracted with, in all courts and places; and may use only a common or private seal; and may do all other acts which a body-politic and corporate, having perpetual succession, may lawfully do.

§ 2. The prudential, fiscal, and municipal concerns of said town shall be vested in five trustees, who shall be elected annually, by the qualified voters of said town, on the first Saturday in April, and shall hold their office for one year, and until their successors are elected and qualified. Said trustees shall qualify, and enter upon the discharge of their duties, on or before the first day of May succeeding their election, and shall qualify by taking the oath of office prescribed by the Constitution of Kentucky; and, in addition to which, they shall take an oath that they will not, directly or indirectly, become a party to any contract in which the town of Lebanon may be or become a party. Said oath may be administered by the county clerk, county judge, or any peace officer of Marion county.

§ 3. One trustee shall be elected from each ward of said town by the qualified voters of the town; and the wards shall be known and designated by the plat and boundary of the wards as shows the division of same made by said board of trustees by authority of an act of the General Assembly of the Commonwealth of Kentucky, approved January tenth, one thousand eight hundred and sixty-eight, entitled "An act to amend the charter of the town of Lebanon, in Marion county," which plat and boundary, made under authority of said act, is entered of record upon the books of said board of trustees; but the trustees may, at any time, by ordinance duly passed, change the wards in such manner and form as they may deem fit.

§ 4. No person shall be eligible to the office of trustee of said town who is not a citizen of said town, and been a resi-

dent thereof for twelve months preceding the election, and who has not been a resident of the ward from which he may be a candidate for four months preceding the election for trustee. No trustee shall be a party to any contract in which the town of Lebanon is or may be a party.

§ 5. Should any member of said board die, resign, or move outside the corporate limits of said town during the term for which he is elected, the remaining members shall elect a successor to fill the vacancy occasioned by such death, resignation, or removal.

§ 6. All qualified voters of the Commonwealth of Kentucky who have resided in said town for ten months preceding the election at which they offer to vote, are hereby declared qualified voters of the town of Lebanon: *Provided*, That at any election held under the charter of the town of Lebanon, no person shall be entitled to vote until he shall have satisfied the judges of the election, by the production of his tax receipts or other proper evidence, that he has discharged in full the town taxes assessed against him and taxes due from any previous year.

§ 7. The board of trustees shall, before any election held under this charter, appoint two disinterested voters of the town of Lebanon judges of the election; also a clerk and sheriff of any such election, who shall, before they enter upon the discharge of their duties, take the same oath, and in like manner as officers of the election under the existing laws of the Commonwealth of Kentucky.

§ 8. Said judges shall superintend the election, determine upon the legality of all voters offered, and shall, under their signatures, together with the clerks of said election, certify the result of same as hereinafter provided.

§ 9. Said board of trustees shall elect one of their members chairman, who shall hold his office for the term for which he is elected trustee, and shall be styled chairman of the board of trustees of Lebanon, to whose management and control the executive affairs of said town shall be intrusted. A majority of the board shall constitute a quorum for the transaction of business; and in the absence of the president, they may elect a president *pro tempore*.

§ 10. It shall be the duty of said board to appoint one of its members treasurer and clerk, which offices may be held by the same party, and also an assessor for said term, and to provide by ordinance for the compensation of each; and shall require bond from each of said officers for the faithful performance of their duties; in addition to which, said officers shall take the oath of office prescribed by the Constitution of Kentucky. Said assessor shall be a resident of said town, and said officers shall hold their respective offices for one year from the date of their appointment and qualification.

§ 11. The trustees shall appoint an attorney for said term, who shall be a regular practicing lawyer of two years' practice, whose duty it shall be to prosecute or defend, as the case may be, all actions in which the town of Lebanon may be interested. He shall prosecute all parties charged with misdemeanors, or any infraction of any by-law, committed within the corporate limits of Lebanon, and which may be within the jurisdiction of the police judge of Lebanon. In addition to the fees now allowed by law to county attorneys for similar services, he shall receive such salary as may be determined upon by said board of trustees; and in all cases where parties are convicted for any of said offenses which are prosecuted by the city attorney, he shall be allowed a fee of two dollars and fifty cents, to be taxed as costs and paid by the defendant. Said trustees shall have the power, in lieu of the fees above given said attorney, to allow him a fixed salary for his services.

ARTICLE II.

§ 1. The board of trustees of Lebanon shall have power to levy and collect a tax annually upon the property in said town, real and personal, not exceeding seventy-five cents on the one hundred dollars' worth of taxable property, and a poll-tax on the male inhabitants of said town not exceeding one dollar on each of said male inhabitants over the age of twenty-one years.

§ 2. The assessor for said town shall be annually appointed on the first Monday of May of each year, and shall imme-

diately qualify and enter upon the discharge of his duties. He shall call upon each resident of said town for a list of his or their property, and shall administer an oath to each person ~~similar to the oath~~ administered by the county assessor as to the truth of his, her, or their list, and shall value the property so listed. He shall make out a list of the property in said town owned by non-residents thereof, calling on their agents, if they have any; if none, then from such information as he possesses or may obtain; or if there is no agent, he may make out said list from the assessor's books of the preceding year; and said property may be valued in the same manner as the property of residents of said town, but the name of the agent shall be placed upon the assessor's book as well as the name of the owner.

§ 3. The list of the property and valuation thereof shall be made as of the twentieth of April of each year, and the assessor shall return his list, together with a complete list of all the male inhabitants of said town over the age of twenty-one years, on or before the first day of June in each year.

§ 4. Immediately upon the return of such list by the assessor, the board of trustees shall appoint three discreet property-owners of said town a board of supervisors, who shall carefully examine the list as returned by the assessor, and correct the valuation of property as made by the assessor whether the same be too high or too low, and make such corrections as may be right; and any person who may feel aggrieved by the valuation of his, her, or their property, as made by the assessor, may appear before the board of supervisors before their labors are completed, and they shall have adjourned, who shall hear and determine the matter and grant such relief as is proper; but before any person's list shall be raised by the board of supervisors, they shall summon the party to appear before them at a time to be stated in the notice, to show cause why his list should not be increased. Said notice shall be in writing, and shall be served by delivering a copy to the party or his agent, if the party does not reside in the town and have an agent therein; if there be no agent of said party, then by posting a copy of the notice at some conspicuous place on the property and at

the court-house door in Lebanon for ten days prior to the time of increasing said list. Said notice may be served by any officer authorized to serve a notice under the general laws of this State. Said board may hear proof and coerce the attendance of witnesses for the purpose of making a true valuation. It shall be the duty of the board of supervisors to give notice of the time and place of **their sitting** by inserting a notice in a newspaper published in Lebanon, if there be one, if not, by posting a notice at the court-house door in Lebanon, and at three other public places in the town of Lebanon ten days prior to the date of sitting. The board of supervisors shall complete their labor and report to the board of trustees within fifteen days after their qualification, which shall be by an oath of office similar to that taken by the county board of supervisors.

§ 5 Immediately upon the report of the board of supervisors being made, the board of trustees shall appoint and levy an ad valorem tax on the property returned, and a poll-tax on each male inhabitant returned, over the age of twenty-one years.

§ 6. The board of trustees shall prescribe all necessary rules and regulations for obtaining annually a fair and equal assessment of all property subject to taxation in said town, and for the collection thereof.

§ 7. The clerk and treasurer of the board of trustees, as soon as the assessor's book is approved by the board, shall make out, in a book to be provided for that purpose, an alphabetical list of the tax-payers of said town, together with the amount of property owned by each, and amount of tax due from each, and place same in the hands of the town marshal or tax collector for the town for collection, on or before the tenth day of July in each year.

§ 8. The marshal or tax-collector of Lebanon shall proceed immediately to collect the taxes in said book, and shall furnish the tax-payers a receipt for amount of taxes paid by each.

§ 9. The town of Lebanon shall have a lien for taxes due the town on the property assessed, and on all the other property of each person, which shall not be defeated by gift, devise, sale, alienation, or any means whatever.

§ 10. Should any tax-payer fail or refuse to pay his, her, or their taxes, which are due, on demand, the marshal or tax-collector shall tender to the delinquent a receipt for the amount due and demand payment; and if the tax-payer then fails or refuses to pay same, the officer shall immediately distrain for same by levying upon and selling for cash in hand any or all property of the delinquent necessary to discharge the taxes due from said delinquent.

§ 11. All property owned by the person against whom the tax is assessed shall be subject to distraint, and may be levied on and sold for taxes due and costs of sale, including the cost of advertising and six per centum upon the amount due as commissions to the officer for making the levy and sale. The marshal or tax-collector shall first seize the personal estate of the tax-payer; if none, he shall levy on and sell the real estate of the tax-payer, or the real estate against which the assessment is made, as the case may be.

§ 12. All real estate in Lebanon may be sold for the taxes due upon said real estate, or for taxes due from any other source by the person owing the same. The marshal or tax-collector shall levy upon real or personal estate by indorsing the levy upon the tax receipt, and shall take the personal property into his possession, and shall sell the real or personal property levied on at the court-house door in Lebanon, on the first day of a regular county or circuit court. Before selling, the officer shall advertise the time, terms, and place of sale, together with a description of the property to be sold, for at least fifteen days preceding the day of sale, by written or printed bills posted at the court-house door in Lebanon, and at four other public places in said town. If the sale be of real estate, and there be a newspaper published in said town, then it shall also be advertised by two insertions in said newspaper. Said sale shall be made for cash in hand, and shall be for a sum sufficient to pay the taxes due and cost, as provided in the last section. If the property is susceptible of division, the officer may sell so much as he may deem sufficient to satisfy the taxes and costs due, or he may sell the whole property, and the excess

over and above the taxes and cost shall be paid over to the delinquent owner.

§ 13. Within ten days after said sale or sales the marshal or tax-collector shall make a full return of said sale, specifying therein a proper description of the property, the names of the owners, when known, and purchaser, the amount sold, and the time when sold, together with a copy of the advertisement, to the clerk and treasurer of the board of trustees, who shall record the same in a book to be kept for that purpose, and file away, and carefully preserve the said proceedings among the papers and records of the town. The owners shall have a right to redeem the real estate which is sold for taxes at any time within two years from the day of sale thereof, by paying to the purchaser, or, if he refuse to accept, by tendering to him the amount of his purchase money, together with all taxes and levies which have been paid or levied thereon, and ten per centum on the amount of the purchase price and amount expended for taxes. He shall also tender to the purchaser the cost of any improvements that may have been put upon the property by the purchaser; but the purchaser of real estate for taxes shall not put any improvements thereon till after the expiration of the time herein allowed for redemption, except such as are necessary to preserve the property, or may be ordered by the board of trustees. When the purchaser is not a resident of the town, or cannot be found, it shall be lawful for the treasurer and clerk to receive the money for which the estate proposed to be redeemed was sold, adding the per centum assessed thereon, and the value of improvements, which shall be effectual in redeeming the property as if it had been paid to the purchaser. Upon the production of the certificate of sale by the purchaser, or his assigns, the treasurer and clerk shall pay over to him the above prescribed redemption price collected from the redeemer, taking a receipt for the same on the back thereof, which shall be recorded in the same book in which sales are recorded.

§ 14. The marshal or tax-collector, or his successor, after the expiration of the time allowed for redemption, shall

make the deed to the purchaser for any real estate sold for taxes, which shall pass the title as fully as though made by the owners themselves.

§ 15. The marshal or tax-collector shall make out a list, as delinquents, of all persons from whom he is unable to collect taxes, and return the same upon oath to the board of trustees, which list the board shall carefully examine, and such as the board may designate he will be exempted from all liability for failing to collect the same. He shall be liable on his official bond for the collection of taxes due the town, to the same extent that sheriffs of this Commonwealth are liable for the collection of revenue due the State of Kentucky.

§ 16. If there is no marshal in said town, or if the marshal shall fail or refuse to take the tax-book and collect said taxes, the board of trustees may appoint a collector of taxes for said town, who shall execute a bond, and take the oath of office, and shall be invested with all the rights, powers, and privileges of the marshal in the collection of taxes, and shall be subject to like liability and penalty.

ARTICLE III.

§ 1. The board of trustees of Lebanon shall have the power to prohibit the construction of buildings of wood, if they be of opinion that the construction of said building or buildings would endanger other valuable and permanent improvements upon the two principal business squares of said town, and they may pass an ordinance to enforce the power given by this section with suitable penalties.

§ 2. They shall have power over the streets, alleys, sidewalks, and public squares of said town, and may cause any or all of the streets or alleys of said town, as the same were laid out and dedicated to public use, to be opened and cleared upon appropriate penalties, except in case in which said trustees have, by contract, and for valuable considerations, ceded to private individuals their right and power over said streets or alleys. If said trustees shall desire to open other streets or alleys, or in any way change those now existing, they may do so by receiving from the owners

a conveyance or dedication of the same; but if they cannot purchase or otherwise procure the use or cession of the same, and deem the establishment of a street or alley, or the changing or widening of same of public benefit to the town, the president of the board of trustees shall apply to the county court of Marion county for a writ of *ad quod damnum* (ten days' previous notice being given to the owner of the land, if in the county; if not, then to be served as other notices are required), which the court shall award, and under which writ the sheriff of Marion county shall act in every respect as if the said writ had been awarded upon a notice to establish a road under existing laws; and upon the damages being assessed and paid over to the owner of the land, or left in deposit for him with the county clerk, said trustees shall have full power to open and establish such street or alley as a part of said town: *Provided*, That no such street or alley shall be laid out through any dwelling house or burial ground. From the award of the jury to assess the value of any such land for a street or alley, either party may have an appeal as in cases of appeal in road cases.

§ 3. The board of trustees shall have power and authority to make any improvements that they may deem of public benefit to the town, and may contract for and pay for same, if, in their opinion, the means of the treasury will permit.

§ 4. They may at any time, by ordinance of the board, require any of the owners of lots within the limits of said town to pave with stone or brick the sidewalks fronting in or adjacent to such lot or lots, to any width and grade they may provide in said ordinance. Said sidewalks to be in all cases curbed with good curbing, the size, dimensions, and style of the curbing stone to be set forth in said ordinance, or they may, in like manner, require any curbing that they may deem insufficient to be replaced with such character of curbing as the board may by ordinance direct; the ordinance shall in all cases provide within what time the work shall be completed by said owners of the lot or lots, and in no case to be less than thirty days from the service of the

order on said owner or owners, as hereinafter provided; the costs of such improvements to be at the expense of the owner or owners of the lot or lots adjacent to whose property the improvement is ordered to be made.

§ 5. It shall be the duty of the board to cause a copy of the ordinance made in any case under the foregoing section to be delivered to the owner of such lot or lots by the marshal of the town, or some officer authorized by law to serve notices. For the purpose of carrying out the provisions of the foregoing section, where the lot or lots adjacent to which the curbing or paving is ordered to be made is owned by several, a notice duly served on one of the owners of same shall be deemed sufficient.

§ 6. It shall be the duty of any such person, so served with a copy of any such ordinance, to proceed at once to make and construct a pavement or curbing as provided and directed in the same, governing themselves in all respects by the requirements of the ordinance served on them.

§ 7. In cases where such lot or lots shall be owned jointly or severally by married women, infants, or persons of unsound mind, the ordinance shall be served upon the husband, guardians, or committees; or where there is no guardian or committee, then upon their father, if living; if not, then upon the mother; if she is not living, then upon the person having the custody or control of such infant or person of unsound mind; or if the parties owning the property adjacent to which the paving or curbing is directed to be constructed, do not reside in the town, or have no agent therein, then a copy of the ordinance requiring the improvements posted at the court-house door in Lebanon, and at a conspicuous place on the property, for ten days prior to the time of beginning such improvements, shall be deemed sufficient notice; and when so served, the same shall be effectual for all purposes, as though they were of full age or sound mind, and the same as if served upon the parties in person.

§ 8. If at the end of thirty days after said ordinance shall have been served, as provided in the foregoing section, upon any such property-owner, and he or they shall fail to complete the curbing or paving of any such sidewalk as therein

indicated, the said board may, at any time thereafter, at their own cost, proceed to do, or have the same done, as provided by the ordinance served on the property-owner. Said board shall duly advertise for bids for the work, in which shall be stated the character and requirements of the work to be done. They shall contract for, and have said work done, at the lowest and best bid, if any; and the cost and expenses connected therewith, and legal interest on the money thus expended by the board, shall remain a lien upon the lot or lots in front of which the curbing or paving may be done by the board, and shall be a debt in behalf of Lebanon against the owner or owners of such lot or lots until discharged; which sum, if not paid within thirty days by the owner or owners of such lot or lots after the work shall have been completed by the board, the board may proceed to enforce their said lien against lot or lots by suit in the name of said board of trustees.

§ 9. It shall be the duty of the trustees to keep a record of the proceedings, which shall be signed by the chairman, copies of which shall be attested by the clerk and treasurer of the board.

§ 10. The trustees of the town are hereby authorized to appoint two or more policemen, who shall have the same powers the marshal now has or may hereafter have to arrest persons charged with offenses.

§ 11. The clerk and treasurer of the board shall have charge of all moneys of the town, and shall pay it out only as authorized by the board of trustees, and shall take their receipt for same.

§ 12. The fiscal year shall end on the thirtieth day of April of each year, at which time the treasurer and clerk shall make a settlement of his accounts with the board for the preceding year, showing all receipts and disbursements, which settlement the clerk and treasurer shall swear to as correct; which settlement shall be left with the trustees.

§ 13. The records and proceedings of the board shall be kept open for the inspection of the citizens and tax-payers of the town.

ARTICLE IV.

§ 1. A police judge and town marshal shall be elected by the qualified voters of said town on the first Monday in August, one thousand eight hundred and eighty-two, and every four years thereafter, and shall hold their offices until their successors are elected and qualified. The polls of the election of police judge and town marshal shall be returned to the county court of Marion county at the first term after said election, which shall be filed by the judge of the election with the clerk of the Marion county court, which shall be kept by him as public records. The county court shall certify the result of the election, so far as the police judge is concerned, to the Governor of the State of Kentucky, whose duty it shall be to issue a commission for the person elected to the office of police judge, and said judge shall be a judicial officer, to be styled the police judge of the town of Lebanon.

§ 2. Before the police judge enters upon the discharge of the duties of his office, he shall take an oath before some justice of the peace or judicial officer of Marion county to discharge the duties of his office faithfully and impartially, and to the best of his ability, together with such other oaths as other public judicial officers are required by law and the Constitution to take. He shall have original jurisdiction of all civil causes where the amount in controversy, exclusive of interest, does not exceed five hundred dollars; and shall have the same jurisdiction of misdemeanors committed within said town and the county of Marion as justices of the peace now have; but the city attorney shall prosecute (by virtue of his office) only such cases as are within the exclusive jurisdiction of said police judge. Said judge shall have the same jurisdiction in felonies committed within said town and the county of Marion as two justices of the peace. He shall have power to issue all necessary process and precepts, enter judgments, and issue executions and capiases for the satisfaction of judgments of his court. He shall have power to grant attachments and injunctions to the same extent that the presiding judge of the county court of Marion county now has or may hereafter have.

§ 3. The police judge of Lebanon shall be clerk of his own court. It shall be his duty to keep a record of his proceedings, copies of which, certified by said police judge, shall be evidence to the same extent, and for the same purpose, that copies of the records of justices of the peace now are. He shall have the same power to take and certify depositions as justices of the peace now have by law. The fees of the police judge shall be the same as those of a justice of the peace, and shall be collectable in a like manner. His fees in cases of infractions of any by-law or ordinance of the town shall be the same as the fees of a justice of the peace for a breach of the peace. He shall have jurisdiction of all cases of motions or suits not exceeding five hundred dollars; and against the treasurer and clerk, marshal or other officers of said town, for all sums of money received by them, and for which they have not accounted for. For the trial of civil causes he shall hold regular terms, beginning on the second Monday in each month, and shall continue so long as the business before the court may justify; and for the trial of criminal cases, he shall hold his court at any time that an offense may be brought before him or process returned regularly executed.

§ 4. Appeals from all judgments in civil and criminal causes shall be allowed to any party under the same rules and regulations and to the same tribunals, as appeals are now allowed from judgments of justices of the peace.

§ 5. All fines recovered for breaches of the by-laws or ordinances of said town, and breaches of the peace within the corporate limits of said town (provided said breaches of the peace are prohibited by ordinance), and all taxes collected under this act, shall go into the treasury of the town, except as otherwise herein directed.

§ 6. The police judge shall possess the same qualifications as a county judge, and shall be a resident of the town.

§ 7. The marshal shall have the same powers, perform the same duties, and be liable to the same penalties that constables of this Commonwealth now by law have, perform, and are liable to, or may hereafter have, perform, and subject to. Before he enters upon the discharge of the duties as

marshal, he shall take an oath for the faithful performance of his duties before the judge of the Marion county court or some judicial officer for Marion county, for the faithful performance of his duties, and shall execute a covenant to the Commonwealth of Kentucky, and the town of Lebanon, with good security, to be approved by said court, faithfully to perform his duties, with conditions similar to the sheriff's bond, upon which suit may be instituted or motion made under the law applying to sheriffs in like cases. He shall collect all taxes due the town and other demands in any other part of Marion county, and shall be responsible for the collection of the town taxes to the same extent, and in like manner, as sheriffs are now by law liable. He shall pay over to the treasurer the taxes as fast as it may be collected, and shall take his receipt for same, and shall make an annual settlement with the board before the first day of April of each year. He shall be entitled to such fees for collection of the taxes as the trustees may direct, not exceeding five per cent. on all amounts collected.

§ 8. The police judge shall have authority to direct his process or other mandate to be executed by the marshal or any sheriff or constable of Marion county.

§ 9. The marshal shall be a conservator of the peace, and may [and] shall have the power and authority to arrest parties guilty of any infraction of the by-laws and ordinances of the town as constables have to make arrests for misdemeanors under the laws of the Commonwealth of Kentucky. If arrest is made pursuant to a warrant, the marshal shall proceed with the defendant as directed by the warrant. If an arrest be made without a warrant, the marshal shall carry the defendant at once before the police judge of Lebanon, or the most convenient magistrate of the county, who shall, on affidavit preferring a charge and showing probable cause against defendant, issue a warrant against the accused, if the offense be committed in Marion county or town of Lebanon; but when the offense charged was not committed in said county or town, then said marshal shall proceed with the defendant as directed by section forty-six of the Criminal Code of Practice: *Provided*, That when arrests are made by

said marshal, and the police judge or magistrate is not conveniently accessible, he shall safely keep such person or persons, by confining them in the county jail or otherwise, until such person or persons can be conveniently brought before such police judge or justice for examination or trial; and for this purpose the jailer of Marion county shall receive and safely keep all persons placed in his care by the marshal.

§ 10. The marshal shall be allowed the same fees in felony and misdemeanor cases as constables are now by law allowed; and his fees for making arrests in cases of infraction of the by-laws and ordinances of the town, and for other services therein, shall be the same as constables in misdemeanor cases; in all other civil and criminal cases, the same fees as constables are entitled to, except in abating a nuisance, he shall have such fees as the trustees may prescribe.

§ 11. The marshal shall be a patrol of said town, and shall perform the duties thereof for such sum as the trustees may prescribe, and the allowance, if any, shall be made annually.

§ 12. It shall be the duty of the trustees, in case of a vacancy produced by death or otherwise, in the office of police judge or marshal, forthwith to order another election to fill such vacancy, after giving five days' notice thereof, in writing, posted at the court-house door in Lebanon, Kentucky; and said election shall be conducted in the same way and at the same place at which the regular election is held, and the polls be compared, and other proceedings had, as at the regular election.

ARTICLE V.

§ 1. The board of trustees of Lebanon shall have the power to receive all necessary conveyances in relation to said town. They shall have power to make all necessary by-laws for the regulation and good government of said town. They shall have power, by ordinance, to declare what are nuisances within said town, and abate the same, or cause the same to be done; and may impose fines and penalties on whoever may cause same.

§ 2. They shall have power to organize and control a fire company in said town, and shall have control over same. They shall by ordinance prescribe rules and regulations for the government and management of said fire company; and may impose fines and penalties upon the members of said company for violation of any of said regulations. The members of said fire company shall not exceed one hundred and fifty, and shall be exempt from militia duty, except in time of war, and from serving on juries and venires. The secretary of said company, on or before the first day of February of each year, shall furnish the sheriff and circuit court clerk with a list of the members of said company.

§ 3. The board of trustees shall have power to tax, and exclusive power to license, all taverns, houses of entertainment, retailers of liquors, coffee-houses, victualers, confectioners, and all houses of public resort of any description in said town, and draymen or hackmen who may haul for hire, such sums as they may provide: *Provided*, The amount taxed upon tavern licenses by the laws of the State of Kentucky shall be paid over to the clerk of the Marion county court as is now provided by law.

§ 4. Said trustees shall have power to pass by-laws for the suppression of gambling-houses, tippling-houses, and such other houses as are the resort of idle, dissolute, and disorderly persons; and prohibit all retailers of spirituous liquors from retailing the same without license; and may provide by ordinance suitable penalties for any breach of said ordinance.

§ 5. The board of trustees shall have power to pass by-laws taxing any store, grocery, or retail establishment that may be commenced or opened at any time subsequent to the day fixed for the annual assessment. They shall have power to tax peddlers and auctioneers, in addition to the tax now imposed by law, any amount that they may deem fit.

§ 6. They shall have power to tax non-residents of the town, who come within the corporate limits of the town, and sell or expose for sale vehicles of any kind, or any other merchandise; they may tax them such sums as they deem proper: *Provided*, That they shall not have power to tax

non-residents of the town who sell vehicles or other merchandise to the resident merchants of the town; and they shall compel them to take out license under such restrictions as may be necessary to enforce such tax.

§ 7. They may also have power to tax agencies of insurance, shows, exhibitions, theatrical performances, concerts, and all other places of public amusements where money is charged for the admission to the same; upon all such they may tax in any sum they may think fit or right.

§ 8. Where a tax is assessed by the board under this act, the board may pass an ordinance or by-laws, with suitable penalties attached, against all who may fail to pay any such tax.

§ 9. All laws or parts of laws in conflict herewith are repealed.

§ 10. This act shall take effect from its passage.

Approved March 3, 1884.

CHAPTER 291.

AN ACT to amend an act, entitled "An act to incorporate the Fidelity Trust Company, of Louisville," approved April twenty second, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the Fidelity Trust Company, of Louisville, Kentucky," be amended by changing the name of said corporation to the "Fidelity Trust and Safety Vault Company," of Louisville, Kentucky.

§ 2. This act shall take effect from its passage.

Approved March 4, 1884.

CHAPTER 292.

AN ACT for the benefit of John W. Caseldine, sheriff of Henry county.

WHEREAS, Jno. W. Caseldine, sheriff of Henry county, failed to execute, as required by law, on or before the first Monday in January, one thousand eight hundred and eighty-

four, his bond for the collection of the revenue and public dues; now, to remedy said failure,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jno. W. Caseldine, sheriff of Henry county, is hereby authorized and permitted to execute, as required by law, his bond for the collection of the revenue and public dues. Said bond, when so executed, to have the same force and effect as if it had been executed on or before the first Monday in January, one thousand eight hundred and eighty-four.

§ 2. This act shall take effect from its passage.

Approved March 4, 1884.

CHAPTER 293.

AN ACT to prevent stock from running at large in the first magisterial district (outside the city of Covington), in Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person owning or having care of any horse, mule, jack, jennet, cattle, hog, sheep, or stock of any kind, to permit the same to run at large in the first magisterial district (outside the city of Covington), in Kenton county, after this act takes effect; and any person so offending shall be liable to such penalties as are prescribed and provided for in this act.

§ 2. That the provisions of sections two, three, four, five, six, and seven of an act, entitled "An act to prevent stock from running at large in Kenton county," chapter three hundred and seventy-eight, Session Acts of one thousand eight hundred and seventy-nine and one thousand eight hundred and eighty, are re-enacted and made a part of this act.

§ 3. The provisions of this act shall not apply to that portion of said district within the corporate limits of the towns of Ludlow, West Covington, Central Covington, and South Covington.

§ 4. This act to take effect from its passage.

Approved March 4, 1884.

CHAPTER 294.

AN ACT to amend the fourth section of an act incorporating the town of Pineville, in Bell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fourth section of an act, entitled "An act to incorporate the town of Pineville, in Bell county, Kentucky," be, and the same is hereby, repealed, in so far as it authorizes the levy of a tax upon agricultural lands inside the corporate limits of said town for corporate purposes.

§ 2. This act shall be in force from and after its passage.

Approved March 4, 1884.

CHAPTER 296.

AN ACT for the benefit of R. H. Kersey, of Oldham county.

WHEREAS, By an act of the Legislature of Kentucky, entitled "An act for the benefit of the Lagrange and Shelbyville Turnpike Road Company," approved March fifth, one thousand eight hundred and seventy-three, authorized the sale of the road and franchises of said company; and whereas, pursuant to said act of the Legislature said turnpike road and franchises were sold as provided thereby, and purchased by A. M. Ballard; and whereas, said Ballard afterwards sold said road to Patrick Tierney, reserving a lien thereon for the unpaid purchase money; and whereas, the executor of said Ballard, by suit in the Oldham circuit court, recovered a judgment enforcing the lien, and obtained a sale of said road and franchises; and whereas, R. H. Kersey, of Oldham county, became the purchaser thereof at commissioner's sale, on the twentieth of August, one thousand eight hundred and eighty-three, which sale was afterwards, at the September term of the Oldham circuit court, one thousand eight hundred and eighty-three, confirmed, and said Kersey, pursuant to said purchase, is now in possession of said road; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sale by the Oldham circuit court, pursuant to a judgment and decree thereof, and the purchase of said

turnpike road and franchises by R. H. Kersey, be, and the same are hereby, ratified and confirmed, and that said Kersey and his successors be vested with all the rights, privileges, and franchises, heretofore granted to the Lagrange and Shelbyville Turnpike Road Company.

§ 2. That this act take effect from its passage.

Approved March 4, 1884.

CHAPTER 298.

AN ACT, entitled "An act to incorporate the Mercer County Fair Association."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That D. L. Moore, A. L. Walden, J. L. Neal, Phil. B. Thompson, sr., J. H. Moore, J. H. Lapley, W. J. Hanna, T. H. Hardin, L. D. Cardwell, D. A. Bissett, Jackson Vanarsdell, Isaac Pearson, Nick McDowell, T. L. Armstrong, Jesse Burrus, John Forsythe, Joe Currens, C. E. Cunningham, Jas. M. Forsythe, jr., Crit. Davis, G. J. Johnson, Tom. Bowman, L. W. Hudson, Grant Cook, M. W. Carvy, W. W. Davis, T. C. Bell, R. E. Coleman, Mack Cecil, Morris Threlkeld, and such other persons as they may choose to associate with them, be, and they are hereby, created a body politic and corporate, with perpetual succession, under the name and style of the Mercer County Fair Association; and by that name may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity; and shall be capable of acquiring, by purchase or otherwise, any quantity of land in Mercer county, Kentucky, in the town of Harrodsburg, or near there, not less than ten nor more than one hundred acres, and may improve, sell, and convey the same, or any part thereof, at pleasure; and may acquire, hold, and dispose of such personal property as the president and board of directors of said association may deem necessary and proper. The said association may adopt and use a corporate seal.

§ 2. The capital stock of said association shall be divided into shares of fifty dollars each, to be subscribed for and

taken according to such rules and regulations as the association may direct. Any six of the persons before named are authorized to open books for the subscription of stock in said corporation at any time and place they may designate; and so soon as, in their judgment, sufficient stock is subscribed to meet the object and purposes of said association, they may call a meeting of the subscribers who are stockholders, at Harrodsburg, Kentucky, after having given written or printed notice to each subscriber at least five days previous thereto of the time and place of said meeting, at which time the subscribers then present shall proceed to the election of a president and ten directors, and two vice presidents, each of whom shall be a share-holder of the association.

§ 3. The president, vice presidents, directors, and other officers of said association so chosen, shall continue in office until the second Saturday in October then next ensuing, and until their successors are chosen and enter upon their duties. The election of said officers shall be annually on second Saturday of October in Harrodsburg, Kentucky, unless by resolution the share-holders fix on a different day; and they may, at their annual election, increase or diminish the number of directors.

§ 4. The prudential, fiscal, and other concerns of said association, together with all its estate of every kind, shall be under the exclusive control of the president and directors thereof; they shall have power to appoint annually a treasurer and secretary, and such other officers for said association as they may deem necessary. They may require bond of the treasurer and any other officers for the faithful discharge of their duties. The president and directors shall have power to make such regulations and by-laws as in their opinion will contribute to the successful management of said association, to enforce the same, and to alter, repeal, or modify them at their pleasure. They shall have the power to contract and be contracted with in their corporate name.

§ 5. A majority of the directors of the association shall be a quorum for the transaction of business, unless the association fix upon a different number. The president of the association shall be the presiding officer of the board of

directors; in his absence from any meeting of the board, the said board shall have power to elect a president *pro tem.* to preside at said meeting.

§ 6. If the president of said association should die during his term of office, the board of directors shall have power to elect a president to fill out his unexpired term, and to serve until the regular election of president by the association.

§ 7. The said association, in its corporate capacity, with all the estate belonging thereto, shall be liable for any and all debts contracted by it or by its authority; but the members of the association shall in no way be liable personally for the debts of the corporation.

§ 8. That during the continuance of any fair of said association, no spirituous, vinous, or malt liquors shall, directly or indirectly, be sold or given away on the premises used for such fair, nor upon any lot, lane, or street within one quarter of a mile of said premises during the holding of the fair, under a penalty of twenty dollars for each offense, to be recovered, together with costs, by warrant before the county judge or any justice of the peace of Mercer county; and each separate act of selling or giving away shall be a distinct offense. During the continuance of any fair of said association, no one, without permission from the association, shall vend, sell, or offer for sale on said grounds, or on any lot, lane, or street within one quarter of a mile of the fair premises, any fruit, melons, cakes, or other eatables under a penalty of ten dollars for each offense, to be recovered, together with costs, as above provided in case of liquors. Said board of directors may, during any fair, rent out the booths and other privileges, license shows, and so forth, as they may think best.

§ 9. That during the continuance of any fair of the said association, the said directors shall have power to police its grounds, and the policemen employed by said association, during their employment, have the same general powers of arrest, service of writs, and so forth, as belongs to peace officers in general. Said board of directors can direct their police to remove any person or persons from said grounds,

and keep them off during said fair, whenever any such person or persons are acting in a disorderly way, or acting so that said board think he or they should be expelled.

§ 10. This act shall take effect from and after its passage.

Approved March 4, 1884.

CHAPTER 299.

AN ACT to incorporate the town of "Maytown," in Morgan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby incorporated the town of Maytown, with corporate limits to the same, viz: beginning at the corner of the Wolfe and Morgan county line, near the dwelling-house of Richard Bolin; thence a southeastern direction and a straight line to an apple tree standing at the northwestern corner of the yard fence of the Allen Day farm, now belonging to James J. Cannoy; thence running so as to include said yard and dwelling to an apple tree standing at the foot of the hill on the opposite side of the State road; thence northeast to a white oak tree standing on the side of the county road to West Liberty by the way of the Coal Bank; thence north a straight line to a white oak standing on the bank of Blackwater creek and a line-tree of the farm of E. B. May; thence northwest a straight line (and with the line of May's farm) to a stone on the county road running to Ezell; thence a straight line to the beginning.

§ 2. There shall be elected annually, on the first Monday in April, by the legally qualified voters of said town, five trustees for said town, and a mayor and town marshal. Said trustees shall have perpetual succession, who, in their corporate name, shall have power and capacity to sue and be sued, implead and be impleaded, grant and receive by their corporate name, and do all other acts as natural persons may do; and as such may make and enforce all needful by-laws and rules for the government and regulation of said town, not inconsistent with the Constitution or laws of the

State or United States; and they may do and perform all needful acts to promote and carry out the chief object of this corporation, to-wit: the improvement of said town and its good government; one of said trustees to be by them chosen shall be president of the board, but a majority may act.

§ 3. All qualified voters living inside in the limits of said town, or owning real estate therein, shall be entitled to vote in the election of trustees and all other town officers.

§ 4. The trustees, when elected, shall continue in office one year, and until their successors are qualified; and shall take an oath to faithfully discharge all the duties pertaining to their office.

§ 5. The said trustees shall have power over the streets, alleys, and sidewalks of said town, and may direct and order the improvement of the same as they may deem best for the interest of said town. They shall have power to levy and collect an ad valorem tax on the property of said town, not exceeding twenty-five cents on the one hundred dollars in any one year. They shall have power to tax all auction sales, shows, and exhibitions for money or profit, such sums as they may deem just, or as may be provided in their by-laws. They shall have power to declare what are nuisances, and to remove the same, and to pass all by-laws and ordinances necessary to give effect to all the powers herein granted.

§ 6. That it shall be the duty of said trustees to appoint a clerk and treasurer, and by ordinance define their duties, and shall require the treasurer to give bond for the performance of his duties.

§ 7. All taxes levied and collected by said trustees, and all fines and forfeitures for violation of by-laws and ordinances of said town, shall be paid to the treasurer for the benefit of said town.

§ 8. No money shall be drawn from the treasurer except by order of the president of the board of trustees in pursuance of the orders of said board.

§ 9. The trustees may annually appoint an assessor to take a list of all the taxable property in said town.

§ 10. The mayor, when elected, shall hold his office for one year, and until his successor is qualified. Said mayor shall, by virtue of his office, be a conservator of the peace, and before he enters upon the discharge of his duties take an oath before the county judge of Morgan county to faithfully and impartially execute all the duties of mayor of said town, and shall take such other oaths as are required of justices of the peace. The mayor shall have concurrent jurisdiction with the justices of the peace in Morgan county, and be entitled to the same fees. The mayor shall have jurisdiction, within the limits of said town, of all infractions of the by-laws and ordinances of said town. A vacancy in the office of mayor shall be filled by the trustees of said town, the appointee to hold office until the succeeding regular election.

§ 11. The town marshal, when elected, shall hold his office for one year, and until his successor is qualified, and before entering upon his office take the same oath required of constables of Morgan county, and in the county court of Morgan county execute bond, with good security, the same as required of constables, with further covenant that he will perform all the duties of marshal of said town according to law. The marshal shall have concurrent jurisdiction with constables in Morgan county, and be entitled to the same fees for his services. It shall be the special duty of said marshal to execute processes issued for alleged violation of by-laws and ordinances of said town, and to promptly collect all taxes, fines, and forfeitures, and pay the same to the trustees of said town.

§ 12. The trustees are empowered to pass such by-laws and ordinances, which do not contravene any law of this Commonwealth as may be necessary for the good government and well-being of said town, and to fill any vacancy in any office created by this act.

§ 13. Said trustees shall have no power to grant any license to coffee-houses or whisky dealers in said town.

§ 14. This act to take effect from its passage.

Approved March 4, 1884.

LAWS OF KENTUCKY.

CHAPTER 300.

AN ACT to amend the charter of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person, otherwise qualified, may be elected to any elective office of the government of the city of Louisville, who shall have resided in said city one year and in the county of Jefferson five years next before such election.

§ 2. That all laws and parts of laws requiring of such person other or greater residence in said city or county, and so far as inconsistent herewith, are hereby repealed.

§ 3. This act shall take effect from its passage.

Approved March 6, 1884.

CHAPTER 301.

AN ACT, entitled "An act to amend an act, entitled 'An act to incorporate the South Covington and Cincinnati Street Railway Company.'"

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two of the act, entitled "An act to incorporate the South Covington and Cincinnati Street Railway Company," be amended by striking out the word "two," and inserting in lieu thereof the word "three," so that said section, as amended, will read as follows: "Said company shall have a capital stock not to exceed three hundred thousand dollars, divided into shares of fifty dollars each."

§ 2. This act shall take effect from its passage.

Approved March 6 1884.

CHAPTER 302.

AN ACT to incorporate the Mud River Coal Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James Philips, Philip G. Breen, William T. Randle, Edward A. Ireland, John C. Gordon, Isaac Litton,

of Nashville, Tennessee, and James B. Ryan, of Muhlenburg county, Kentucky, their associates and successors, are hereby created a corporation, with perpetual succession, by the name of the Mud River Coal Railroad Company; and by said name may contract and be contracted with, sue and be sued, acquire, hold, use, and dispose of property, make rules and by-laws for the government of its officers, agents, and employes, and for the management of its affairs, and by said name is authorized to do whatever may be done by a natural person, not inconsistent with the Constitution and laws of Kentucky and the Constitution and laws of the United States.

§ 2. Said corporation is hereby authorized and empowered to build and operate a railroad from some suitable point on the Owensboro and Nashville Railroad, in Muhlenburg county, to the coal mines of the Mud River Coal, Coke, and Iron Company, on or near Mud river, in Muhlenburg county, with all necessary side-tracks, switches, bridges, culverts, trestles, tunnels, and other structures, and all necessary engines, cars, and rolling-stock; and may acquire, hold, and use, in fee-simple or otherwise, a sufficient quantity of land for its said railroad, and its side-tracks, switches, culverts, barrow-pits, tunnels, and other structures, and for such shops, offices, depots, platforms, warehouses, and other buildings, as may be used by said corporation or its agents or employes; and when the owner or claimant of any land necessary to said corporation for its said railroad cannot agree with said corporation as to the price to be paid therefor, then the same may be condemned according to law.

§ 3. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of one hundred dollars each, with power to increase its capital stock to any amount not exceeding one hundred thousand dollars in like shares. When one hundred shares of said stock is subscribed, the incorporators herein named, or one or more of them, shall call the stockholders together at some suitable place in Muhlenburg county, by notice mailed or delivered to each stockholder ten days before said meeting, for the purpose of organizing and electing directors as herein provided. At

said meeting, and at all meetings of the stockholders, each share of stock shall entitle the holder to one vote, in person or by proxy, upon all questions to be voted upon by the stockholders. Said incorporators may designate and appoint one or more of their number to receive said subscriptions.

§ 4. The affairs of said corporation shall be managed and conducted by seven directors, four of whom shall constitute a quorum for the transaction of business. Said directors shall be annually elected by the stockholders, and each one of them shall be a stockholder. After the first election under the call of the incorporators, the directors shall be elected by the stockholders at their annual meeting to begin on the first Tuesday in May of each year, and the directors so elected shall hold office for one year, and until their successors are chosen. The directors shall have power to fill any vacancy in their body, their appointee to hold office until his successor is chosen at the succeeding annual meeting of the stockholders.

§ 5. The officers of said corporation, to be chosen by the directors, shall be a president, a vice president, a secretary and treasurer, a general manager, and a general superintendent. The president and vice president must be members of the board of directors. The office of secretary and treasurer may be filled by one person. The duties and responsibilities of each officer shall be prescribed and regulated by by-laws. Each officer shall receive such compensation for his services as may, from time to time, be fixed by resolution of the directors. Such bond and security may be required, from time to time, of each of said officers, by the directors, as in their judgment may insure the faithful discharge of duty and the safety of the money and property of said corporation. The directors shall have power to appoint such agents and employes, and prescribe their duties and compensation, as may to them seem proper.

§ 6. Said corporation is hereby authorized to charge, receive, and collect for transportation and travel on its said railroad, reasonable freight and passenger rates, not to ex-

ceed the rates charged by the Owensboro and Nashville Railroad for similar service.

§ 7. This act shall take effect from and after its passage.

Approved March 6, 1884.

CHAPTER 303.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts relating to the town of Hartford."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend and reduce into one the several acts relating to the town of Hartford, in Ohio county," approved February the twenty-sixth, one thousand eight hundred and seventy-eight, and the amendments thereto, be amended as follows, to-wit: section three of article seven of said act is hereby amended by striking out the words "have power to" in said section, and also the words "not exceeding fifty," and inserting instead of the words "not exceeding fifty" "not less than one hundred."

§ 2. That section four of said article be so amended that it shall be lawful for the trustees of said town of Hartford to grant licenses to saloons, restaurants, and hotels, with the privilege of retailing spirituous liquors by the drink within the limits of said town, at the rates now fixed by law, for and until the twenty-first of September, one thousand eight hundred and eighty-four, at which time all such licenses shall expire; and after the twenty-first of September, one thousand eight hundred and eighty-four, said trustees shall have power to grant licenses to saloons, restaurants, and hotels, with the privilege of retailing spirituous liquors by the drink, and to impose and fix the rate of tax thereon, which shall not be less than five hundred dollars per annum for each house so licensed.

§ 3. No person shall be licensed as provided in the previous section, or shall have the privilege to sell spirituous liquors by the drink, until he shall have paid to the treasurer of the board of trustees the amount of tax fixed by them as provided in the preceding section; and all persons

obtaining license under this act shall pay the State tax fixed by law, and execute bond and take oath, as prescribed by law.

§ 4. No license to keep a tavern, with the privilege of retailing spirituous liquors by the drink in the town of Hartford, shall be granted by the Ohio county court until the applicant therefor shall have paid to the treasurer of the board of trustees the tax fixed by the trustees, as provided for in section two of this act.

§ 5. The board of trustees, at any regular or called meeting, may, by ordinance, prescribe the number of licenses to retail spirituous liquors by the drink; and the number so fixed shall not be increased during the next succeeding twelve months: *Provided*, That a majority of the whole board vote for such ordinance.

§ 6. In addition to the penalty now prescribed by law, any person selling spirituous liquors, in violation of the provisions of this act, shall pay to the town of Hartford fifty dollars, which may be recovered by motion in the Hartford police court, or in the Ohio county court, in the name of the board of trustees of Hartford, Kentucky.

§ 7. The treasurer elected by the board of trustees is alone authorized to collect, receive, and receipt for taxes provided for herein.

§ 8. No license granted under authority of this act shall be transferred either directly or indirectly.

§ 9. This act shall be in force from its passage.

Approved March 6, 1884.

CHAPTER 304.

AN ACT to extend and continue the charter of the Northern Bank of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the chartered rights and privileges of the president, directors, and company of the Northern Bank of Kentucky shall continue and be extended in full force for

twenty years from and after the first day of May, one thousand eight hundred and eighty-five.

§ 2. That said bank, under the continuance and extension hereby granted, shall be subject to all the restrictions, limitations, penalties, conditions, and duties, and be entitled to all the rights granted to and imposed upon it by the act of its incorporation, and the acts amendatory of or relating thereto.

§ 3. Said bank may be known by, and sue and be sued, contract and be contracted with, by and under the name of the Northern Bank of Kentucky, as fully as by and under its present name.

§ 4. This act shall go into effect when it shall be approved by the stockholders of said bank at their regular annual meeting, or at a called meeting ordered for that purpose by the president and directors of said board, at which called meeting a majority in interest of said stockholders shall be present. Notice of said approval shall be given by the president of the bank to the Governor of this Commonwealth.

Approved March 6, 1884

CHAPTER 305.

AN ACT to amend the charter of the city of Paris, in Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the city of Paris be, and the same is hereby, amended as follows, to-wit: If, by reason of his absence from the city, or from other cause, the mayor be temporarily incapacitated to discharge the active duties of his office, he shall, by a writing signed by him, name some member of the council to act as mayor *pro tempore*, and the said named councilman shall be thereby vested with all the powers of the mayor during the latter's temporary incapacity.

§ 2. Any person or persons against whom taxes on property have been assessed in accordance with the provisions of the charter and amendments thereto of the city of Paris, and who shall fail to pay such taxes by the first day of Oc-

tober next after the assessment of same, shall pay five (5) per cent. additional on the tax so due and unpaid, if the common council of the said city shall so declare by resolution passed before September the first, in each year, in which said additional tax may be enforced by resolution: *Provided further*, That any resolution of the said common council, providing for the imposition and collection of the said additional tax, shall be published in every issue of one of the papers published in the said city during the month of September immediately preceding the October on which said per cent. is to be added.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1884.

CHAPTER 306.

AN ACT establishing a fence and stock law in that portion of Hancock county known as Lewis's bottom, in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. L. Greathouse, jr., S. P. Enrick, Robert Mason, Jas. Freeman, D. T. Beauchamp, S. G. Hughes, and J. B. Adams, and their successors in office, be, and they are hereby, appointed and constituted trustees for the purpose of erecting and keeping in repair a fence and gates inclosing the following described and bounded lands situated in Lewis's bottom, in Hancock county, Kentucky, to-wit : Beginning at the mouth of Lead creek on the Ohio river; thence with the creek to J. B. Adams' upper line; thence with his upper line to a point on the first range of hills; thence with said range of hills to the Troy road, at a point near where Gillum Thomas lives; thence with said road to the mouth of the lane running east and west across the Mason land; thence with said lane to the end thereof, at a point on the Troy and Lewisport road, near the residence of S. P. Enrick; thence with the said road to the lower or west line of the Hogg farm, at a point where the New Chapel road turns off; thence with the latter road to the corner of

Mrs Rosa Bates' field near New Chapel; thence with the Hawesville and Lewisport road to the lower or west line of the Grant farm; thence with the line of said farm to the Troy and Lewisport road, near Yellow creek; thence with the latter road, around the banks of the creek, to Joe. L. Greathouse, jr's., lower line; thence with his line to Yellow creek; thence with said creek to the Ohio river.

§ 2. The trustees aforesaid shall hold a meeting as soon as practicable after the passage of this act, at a convenient point in the territory aforesaid, and shall elect one of their number chairman and one secretary. A majority shall constitute a quorum for the transaction of business, and they may fix the times and place of meeting. They shall at the first meeting elect a treasurer, whose duty it shall be to collect and pay out any money that arises from assessments or other sources. The chairman shall be the presiding officer and appoint committees. The secretary shall keep a written memorandum of all the proceedings in a substantial book, and shall sign all orders on the treasury for money paid out.

§ 3. The trustees before named shall hold their offices until their successors are elected and enter upon the discharge of their duties. There shall be an election held at a convenient point in said territory, to be fixed by the trustees aforesaid, for trustees, on the first Monday in July, one thousand eight hundred and eighty-four, and on the same day in each succeeding year. The secretary of the board of trustees shall hold said election, and all qualified voters in the territory aforesaid shall be entitled to vote for trustees. The seven parties receiving the highest number of votes shall be trustees for the succeeding year, and shall organize as hereinbefore provided. No one shall be eligible for trustee who has not been a continuous resident in said territory for at least two years before the election at which he is voted for.

§ 4. Immediately after the trustees here appointed have organized, they shall cause to be erected a substantial, lawful fence, inclosing the territory hereinbefore designated. When the said boundary crosses a public highway, they shall cause to be erected substantial gates, with proper fastenings, and shall hang said gates with iron hinges.

§ 5. For the purpose of erecting said fence and gates, and keeping them in repair, the trustees shall levy and collect from the citizens and property-owners in said territory a head and property tax not to exceed one dollar and fifty cents on the poll, and not to exceed twenty-five cents on the one hundred dollars' worth of property. Said tax shall be payable as soon as levied, and if not paid on demand of the treasurer, shall be listed with the sheriff of Hancock county for collection, and shall be collectable by him as the State revenue and county levy is collected, and when so collected, shall be paid over to the treasurer. Said tax shall, at the option of the trustees, be paid in work or material for the fences and gates aforesaid, the prices paid to be agreed on with the trustees. Not more than the amount of taxes before specified shall be collected in any one year, but one or more assessments may be made if deemed necessary.

§ 6. Any one who negligently or willfully injures, throws down, or destroys any of the aforesaid fencing or gates, or causes, permits, or procures the same to be injured, thrown down, or destroyed, shall be guilty of a misdemeanor, and shall be fined not less than five dollars nor more than fifty dollars, upon indictment and conviction in the Hancock circuit court.

§ 7. Any one who willfully or negligently leaves open or unlatched any one of the gates herebefore provided for, shall be guilty of a misdemeanor, and for each offense shall be fined not less than ten dollars and not more than one hundred dollars, upon conviction in any court of competent jurisdiction.

§ 8. From and after the passage of this act it shall be unlawful for any person to turn out or permit to run at large any stock whatever inside of the fence or in the territory in this act designated and provided for, and it shall be lawful for any person living or owning property in the territory aforesaid to take up any hog, sheep, goat, horse, cattle, or stock of any and every kind found running at large in said territory, and confine the same. The taker-up shall immediately notify the owner of said stock, if known to him, that he has taken up the same, and shall deliver same

to the owner on payment of twenty-five cents for taking up and fifty cents per day for all the time each individual animal may have been kept by the taker-up. In case the owner is not known to the taker-up of stock, he shall, as soon as the stock is taken up, post notices at not less than three public places in the territory aforesaid, describing the stock and stating when it was taken up.

§ 9. Any one who shall knowingly permit stock or cattle of any kind to run at large in the territory aforesaid, shall for each offense be fined not less than ten dollars and not more than fifty dollars. Each individual animal so permitted to run at large shall be a separate offense.

§ 10. Any vacancy that may occur in the board of trustees by death, removal, or failure to act, may be filled by the remaining trustees, and the person thus appointed shall continue in office until the next regular election for trustees.

§ 11. In addition to the penalties hereinbefore provided, the owner of any stock found running at large in said territory, or that may break over or through any of the fencing or gates in this act provided for, shall be liable to the party damaged for the reasonable value of any property injured or destroyed by said stock, and the damages so inflicted shall be a lien on the stock, and may be enforced against the stock as other liens are enforced.

§ 12. This act shall take effect and be in force from and after its passage.

Approved March 6, 1884.

CHAPTER 307.

AN ACT to incorporate the Southern Exposition Company, at Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That whereas, heretofore, to-wit, on the thirtieth day of October, one thousand eight hundred and eighty-two, by articles recorded in the county clerk's office of Jefferson county, Kentucky, a corporation was formed in accordance with chapter fifty-six of the General Statutes, under the

corporate name of "The Southern Exposition at Louisville, Kentucky;" and whereas, it is desired by said corporation and its members that said corporation should receive a charter from the General Assembly of the Commonwealth of Kentucky. Now, the following charter is granted to the said corporation and its members, in lieu of the said articles of incorporation:

§ 1. "The Southern Exposition at Louisville," as heretofore incorporated, is hereby continued in existence, as now organized, as a body politic and corporate, with perpetual succession, and with power to sue and be sued; to have a corporate seal and alter the same at pleasure; to make contracts; to acquire, hold, sell, mortgage, lease, and transfer, and otherwise dispose of, its property; to establish by-laws, and to make rules and regulations for the management of its affairs, not inconsistent with the Constitution or laws of this State or of the United States.

§ 2. The name of the corporation shall be "The Southern Exposition at Louisville, Kentucky," and its principal place for transacting business shall be Louisville, Kentucky.

§ 3. The general nature of the business to be transacted by said corporation shall be the holding of expositions at Louisville, Kentucky, for the exhibition of agricultural, mineral, and other products, arts, manufactures, and industries.

§ 4. The amount of capital stock authorized to be issued by said corporation is five hundred thousand dollars (\$500,000), which amount may be increased at any time by a vote of a majority of the stock. The capital stock shall be in shares of twenty five dollars (\$25) each, and subscriptions shall be made in the manner and upon such conditions as the directors shall, by resolution, determine. Such subscription shall be paid upon calls made by the board of directors.

§ 5. The said corporation shall be considered as having commenced its existence on the thirtieth day of October, one thousand eight hundred and eighty-two, and shall continue for twenty-five years from that date, or until dissolved by the vote of two-thirds of its stock.

§ 6. The affairs of the corporation shall be conducted by a president, five vice presidents, a board of twenty-five directors, a general manager, a secretary, a treasurer, and such other officers, agents, or employes as the board of directors may deem necessary. The election of directors shall be held on the second Monday in January of each year by the stockholders. In case any vacancy occurs in any office, the remaining directors may fill such vacancy. The said board of directors shall annually, at times to be fixed by them, elect the president, five vice presidents, the manager, the secretary, the treasurer, and so forth. Said officers may be chosen from among the directors, or persons not members of the board of directors may be so chosen. In the event that persons, not members of the board of directors, are chosen for the offices of president and vice president, such persons shall, during the time that they hold such offices, become *ex officio* members of the board of directors, and entitled to all the powers, rights, and privileges of directors. At all stockholders' meetings each share of stock shall be entitled to one vote, and votes may be in person or by proxy.

§ 7. The said corporation being for the public purposes of developing the agricultural, mineral, manufacturing, and commercial resources of Kentucky, may condemn such property as may be by its directors found necessary for its use; which condemnation proceedings shall be under the writ of *ad quod damnum*, and the property held by said corporation, under lease or ownership, is hereby relieved and exempted from any State, county, or city taxes which have been or may be assessed against the same during the time of its use for such exposition purposes: *Provided, however*, That there shall be levied upon the net proceeds of each annual exhibition the same rate of taxation levied upon other personal property in the Commonwealth.

§ 8. The private property of the stockholders in the said corporation shall be exempt from any and all liability for the debts of the said corporation.

§ 9. The city of Louisville is hereby empowered, by joint resolution of its general council, to subscribe, if it sees

fit, for any amount of the capital stock of said corporation, not exceeding fifty thousand dollars.

§ 10. This act shall take effect from and after its passage.

Approved March 6, 1884.

CHAPTER 308.

AN ACT to establish a stock and fence law in Holt's bottom, in Breckinridge county.

WHEREAS, The recent disastrous overflows in the Ohio river have destroyed fencing and exposed the farms in Holt's bottom to the depredations of stock; therefore, for remedy thereof, and for future protection,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons within the district or area of country in Breckinridge county hereinafter named, the boundaries of which embrace Holt's bottom on the Ohio river, to permit their stock of any description whatever to run at large off their own premises or any premises of which they may be in possession.

§ 2. The boundaries of said district or area are as follows, viz: Beginning on the Ohio river at the lowest water mark at the mouth of Bull creek; thence with Reuben Reynolds' line, to include him; thence with Alfred Adams' line, to include him; thence with Charles Tinius' line, to include him; thence with Captain Smith's line, to include him; thence with Miller and Hovious's line, to include them; thence with Dudley Hambleton's line, to include him; thence with Harrison DeHaven and Elijah Board's, to include them; thence with W. D. Holt's line, to include him; thence with Virgil Hardin's line, to include him; thence with Mrs. Amanda Minor's line, to include her; thence with Michael Hamman's line, to include him; thence with the division line between said Hamman and Mrs. Eliza Burks to the Ohio river; and thence down the Ohio river to the beginning.

§ 3. Any person or persons so offending shall be liable to any person or persons damaged by such stock; for the first offense he or they shall pay for all damage committed; for

the second offense, shall pay double the amount of damage committed; and for the third or any subsequent offense, shall pay four times the amount of damage committed; and the person injured shall have a lien for all damage upon such stock, and for all costs of enforcing the damages herein provided for. The said damages are recoverable and the said lien is enforceable before any justice of the peace or other court of competent jurisdiction in Breckinridge county: *Provided, however,* That the person or persons so injured shall notify the owner or owners, or the persons having charge of said stock, of their having trespassed upon him or them. When the persons thus notified offer to pay the damage committed as provided for by this act, and the person or persons damaged refuse to accept the same, and suit is brought and recovery is not had for a larger sum than the amount or amounts tendered, the person or persons suing shall pay all costs of the suit.

§ 4. The provisions and penalties of this act shall apply to all persons driving stock through or within the boundaries of the said district.

§ 5. It shall be lawful for the planters whose farms are situated within the said district to construct a wall or fence of such material as they may deem proper, beginning at or near the mouth of Bull creek, at low-water mark, from the line of Reuben Reynolds' fence nearest the river to the lowest water mark; also another such wall or fence on or near the western line of Mrs. Eliza Burks' place, from her line of fence nearest the river to the lowest water mark; such walls or fences to be constructed so as to prevent the encroachment of stock.

§ 6. It shall be lawful for said planters to erect and keep in good condition good and sufficient gates across the public highway leading from Cloverport to Stevensport, at or near the Bull creek bridge, and at or near the point where the western line of Mrs. Eliza Burks crosses the said highway. It shall be lawful for them to erect and keep in good condition a gate across the public highway at or near the house on Virgil Hardin's place, formerly occupied by Caleb

Tate, the same bought from Mrs. Wm. E. Minor; and another gate on the public highway leading from Reynolds to the back Stevensport road, to be located at a point between Adams and Charles Tinius.

§ 7. If any person shall willfully or negligently destroy, break, or injure either of said fences or walls, he shall be fined not less than fifty dollars nor more than two hundred and fifty dollars, upon indictment and conviction in the Breckinridge circuit court.

§ 8. If any person shall willfully or negligently break down, remove, or injure any of the gates provided for in this act, or willfully or negligently leave the same open or not latched, he shall be fined, upon conviction in any court of competent jurisdiction, not less than ten dollars nor more than fifty dollars.

§ 9 It shall be the duty of the sheriff, or the collector of the county levy of Breckinridge county, to collect from the owners of the lands within the said district, annually, an ad valorem tax of ten cents upon each one hundred dollars of the assessed value of the same, as assessed by the county assessor, and exhibited upon the tax-lists furnished him by the county clerk of said county. He shall have the same powers in enforcing the collection of said tax as are conferred upon him by law for the collection of the county levy, and shall be liable therefor in the same manner and to the same extent upon his bond as collector of the county levy. He shall be allowed the same fees for collecting the same as for collecting the county levy, and shall make annual settlement respecting the same with the county court, in the same manner that he is required to do respecting the county levy.

§ 10. The county judge of Breckinridge county, sitting as a county court, shall annually appoint a commissioner, whose duty it shall be to demand and receive the moneys arising from the taxation herein provided for of the sheriff or collector, and who shall give proper vouchers therefor. He shall, before entering upon his duties, execute before the county court a bond, with good and sufficient security, to be approved by said court, for the faithful performance of his

duties. He shall faithfully disburse the said moneys in the construction and keeping up of the walls or fences, and the gates provided for in this act. For any failure to properly use the same, or any misuse thereof, he and his sureties shall be liable upon his bond to the planters within the said district, at the suit of any one of them as relator for the whole, in any court of competent jurisdiction in Breckinridge county.

§ 11. The sheriff or collector of the said tax shall, on or before the first day of October in each year, pay over the same to the said commissioner. For his failure to do so, after demand, the commissioner shall have the right to institute suit and recover judgment in any court in said county of competent jurisdiction, upon the bond of said sheriff or collector as collector of the county levy.

§ 12. This act shall take effect from and after its passage.

Approved March 6, 1884.

CHAPTER 309.

AN ACT to incorporate the Woodford County Spring Lake Fish Company.

WHEREAS, In the year one thousand eight hundred and seventy-four, certain citizens of Woodford county, State of Kentucky, organized themselves into a joint stock company, in shares of fifty dollars each, the object of which company was the propagation and culture of fish, and with a view to carrying into effect such design, procured by grant from Chas. Alexander and A. C. Hunter the use of sufficient land for that purpose, and have constructed thereon a lake; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That H. Brown, Jno. M. Wasson, Jas. M. Graves, Wm. R. Dean, and all persons, their successors or assigns, holding stock in said company, be, and they are hereby, created and constituted a body-corporate, by the name and style of "The Woodford Spring Lake Fish Company," and by that name shall have perpetual succession, with power to contract and be contracted with, sue and be sued.

§ 2. The capital stock of said company shall not at any time exceed three thousand dollars.

§ 3. That said company shall exercise all the powers, rights, and privileges conferred upon said joint stock company by the grants of Alexander and Hunter, referred to in the preamble hereof.

§ 4. Said company, through its stockholders, shall elect annually, on the first Saturday in May of each year, a board of directors, to consist of a president, vice president, and five directors, to be chosen from the stockholders in said company, who shall hold their office for one year from the time of their election, and until their successors are elected and qualified; which board of directors shall have power to appoint a secretary and treasurer for said company, whose term of office shall be the same as that of said board. Said board of directors shall also have authority to fill vacancies occasioned by death, resignation, or otherwise of any of the members of said board.

§ 5. Said company, through its said board of directors, a majority of which shall compose a quorum, may make assessments from time to time upon the stockholders thereof, not to exceed, however, more than five dollars on each share per annum, without the consent of a majority of the stockholders, for the purpose of making needful repairs and improvements connected with the interests of said enterprise; and they shall have power to forfeit the stock of any member of said company who, after proper notice, fails and refuses to pay such assessment; or they may, in the name of said corporation, institute legal proceedings in any court having jurisdiction thereof within said county against such person for the collection of such assessment, and coerce the payment thereof as other debts are now collected by law.

§ 6. Said company shall also, through its board of directors, have power to make such rules and by-laws as may be proper to protect the stockholders in all their rights therein, not inconsistent with the laws of this State, and to that end may institute proceedings in the name of the Commonwealth of Kentucky against any and all persons committing any trespass or doing any damage to the property of said

company, including the boats of the stockholders used on said lake, and may punish them by fine in any sum not exceeding twenty-five dollars for every offense, for which, if not paid, a *capias* may issue, and proceedings had thereon accordingly as now provided by law.

§ 7. This act shall take effect from and after its passage.

Approved March 6, 1884.

CHAPTER 310.

AN ACT to incorporate the Lower Rolling Fork of Salt River Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Austin Howard, Alexander Howard, Joseph Tinley, Park Cameron, Elijah Bland, Joseph Farnsworth, Lafayette Stiles, John Stiles, Van Buren Stiles, J. V. Smith, and George Beler, their successors and assigns, are hereby created a body-politic and corporate, by the name of the Lower Rolling Fork of Salt River Bridge Company; and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; and may have a common seal, and alter same at pleasure; and it shall have all the other lawful powers usual and incident to corporations, and which may be necessary to carry out the objects for which it is created.

§ 2. Said company is hereby authorized and empowered to construct a bridge across the Rolling Fork of Salt river, between J. V. Smith's, on said stream, and Howard's Mill on said stream, of such style, pattern, or material as the company may judge best suited to the purpose; and said company shall have the right to acquire title to such lands as may be necessary to build the abutments, approaches, supports, and toll-house for said bridge; and for that purpose shall have the right to condemn any land necessary for its use; and the proceedings necessary for that purpose shall be in all respects as is now provided by law for condemning lands in opening roads.

§ 3. The capital stock of the company shall be divided in shares of one hundred dollars each, and may consist of any number of shares, not exceeding two hundred, that may be decided upon by the board of directors of said company, and may be subscribed for by individuals, corporations, or any county or counties. The stockholders shall, once in every year, elect five directors, and, when so elected, shall elect of their board a president, treasurer, and secretary of the company, who shall continue in office until their successors are elected and qualified; and the president and board of directors may adopt by-laws, in which they shall provide for the transfer of stock, and the form of proxies to rate the same at stockholders' meetings, and mode of calling meeting of stockholders, and the manner of transacting business at such meetings; and said board of directors shall have the management, government, and control of the property and affairs of the company. Upon the subscription of three-fifths of the stock fixed upon by the company as the capital stock of the company, the organization may be completed and work commenced.

§ 4. The tolls charged by said bridge company shall be the same as those now established by law for turnpike roads with gates five miles apart. The provisions of chapter one hundred and ten of the General Statutes regulating tolls shall be applicable to the tolls charged and collected by the company.

§ 5. This act shall take effect from and after its passage.

Approved March 6, 1884.

CHAPTER 311.

AN ACT to incorporate the Bank of Hardinsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established the "Bank of Hardinsburg," the capital stock of which institution shall not be less than twenty thousand dollars, nor more than one hundred thousand dollars, divided into shares of one hundred dollars each, which shall be personal estate, and trans-

ferable only on the books of the company in such manner, and subject to such regulations, as the board of directors may hereafter prescribe.

§ 2. That Vivian Daniel, B. F. Beard, Elijah Board, Wm. K. Withers, Green W. Beard, Wm. Miller, Morris Eskridge, John R. Johnson, Horace Scott, Gideon P. Jolly, Taylor Beard, T. J. Jolly, and Alfred Allen, are hereby appointed commissioners to obtain subscriptions to the stock of the bank hereby created, who, or any five of whom, may meet at some convenient time and place in the town of Hardinsburg, and elsewhere in the county of Breckinridge, of which one month's notice shall be given of the time and places when and where they may open books and receive subscriptions of stock in and to said bank; and shall keep said books open as long as the commissioners may deem it advisable, not exceeding one month, or until a sufficiency of stock is taken.

§ 3. Whenever a sufficiency of stock has been subscribed to said bank, the books of subscription may be closed and delivered over to the subscribers of stock, who shall thereupon constitute a body-corporate, under the corporate name of the "Hardinsburg Bank;" they and their successors shall so continue for the term of thirty years; and may contract and be contracted with, sue and be sued, plead and be impleaded; and may exercise any and all other powers usually incident to such corporations.

§ 4. Upon receipt of the books of subscription, the subscribers, or a majority in value of them, shall meet after reasonable notice, and elect five persons, who shall be stockholders, to serve as directors of said bank until the first Monday in January next following said election, and until their successors shall be elected; and said directors shall have power to fill vacancies as they occur in their own board. The annual meeting of the stockholders after the first election shall be at the bank building on the first Monday in January in each year; but meetings may be called oftener by the directors, or a majority of the stockholders; and in all meetings of stockholders each person shall be entitled to one vote for every share of stock held by him;

the officers (except those first elected or appointed, who shall hold only to the first of January succeeding) shall hold their offices for one year, and until their successors shall be elected, but may be removed by a majority at any regular or called meeting of the stockholders. The directors may choose any stockholder as their president, who shall be *ex officio* a member of the board; may appoint a cashier or secretary, and such other officers and clerks as may be necessary, fix their compensation, prescribe their duties, and take bond and security for the faithful discharge thereof; may prescribe the manner and times of paying in the stock, and shall have the general control of the affairs of the bank.

§ 5. The directors shall annually appoint two or more stockholders to hold the annual elections.

§ 6. The condition of the bank may be inquired into daily by the directors, or at any time by the stockholders, or by a committee appointed by them at any of their meetings.

§ 7. The business of said bank shall be to deal in gold and silver coin, bank notes, and other notes which may be circulating as money, and repay the same in such manner and at such times and at such rate of interest as may be agreed upon with depositors, not exceeding six per cent. per annum, by general or special contract; may buy and sell bills of exchange, promissory notes, uncurrent money, stock, bonds, mortgages, and such other evidences of debt, take personal and other security for the payment of the same, and dispose of the latter as may be agreed upon between the parties, and pass a valid title to the same. Said bank may generally do and perform all business usually done by banking corporations.

§ 8. The directors shall, at least once every year, declare dividends of the profits arising from the business of the bank.

§ 9. The said bank may purchase, by deed or otherwise, sell and convey, any real or personal estate which may be necessary to carry out the objects of its creation; it may receive conveyances of real estate, or any other property, as

may be proper to secure any debt due it, or which may be sold for the payment of such debt.

§ 10. This bank shall be located in the town of Hardinsburg.

§ 11. That the president, directors, and other officers of this bank, previous to entering on the discharge of the duties of their several offices, shall take an oath before a justice of the peace of this county faithfully, honestly, and to the best of their skill and judgment, to discharge all the duties of their respective offices and stations under this charter, or which may be required of them by the by-laws and rules of the corporation; and that they will not, while in office, sanction or permit any of the provisions of this charter to be violated; and should any occur without their concurrence, that they will immediately report the same to the Attorney General of this Commonwealth. Said officers shall, furthermore, give reasonable bonds, with sufficient security, to the corporation, for the faithful performance of their respective duties.

§ 12. The directors shall have power to make all necessary by-laws as they may deem proper for the management of the bank: *Provided*, The same shall not be in conflict with this charter, or contrary to the laws of this State or of the United States.

§ 13. Stockholders shall be individually liable to the creditors of the bank to the amount of their unpaid stock, but not further.

§ 14. Officers and employes of the bank shall not be taken as sureties for any one in their money transactions with said bank.

§ 15. That this bank shall, on the tenth day of January each year, pay into the Treasury of this State fifty cents on each one hundred dollars of stock paid in, in lieu of any tax or bonus due the Commonwealth for that year by said bank.

§ 16. This act to take effect from and after its passage.

§ 17. The Legislature reserves the right to repeal, alter, and amend this charter.

Approved March 6, 1884.

CHAPTER 312.

AN ACT to amend an act to organize and establish a system of public schools in the city of Owensboro for white children in said city, and amendment thereto, approved March thirteenth, one thousand eight hundred and seventy-two, February twenty-six, one thousand eight hundred and seventy-three, and March thirtieth, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section fourteenth of the aforesaid act, to organize and establish a system of public schools in the city of Owensboro for white children in said city, be amended to read as follows: All children over six years of age residing in the city of Owensboro shall have equal school privileges, and shall attend such building or buildings as may be provided and designated for the respective pupils by the trustees of the Owensboro public schools; and no fees or charges for their tuition shall ever be charged for said children in said schools. •

§ 2. That section seventeen of the aforesaid act be amended to read as follows: The board of trustees may, at the close of each school year, make out and publish a report, showing the number of pupils in each of the schools, and the condition and amount of property and funds belonging thereto, and such other information as the case of public election requires.

§ 3. That section eighteen of the aforesaid act be amended by striking out the word "white" wherever it occurs in said section.

§ 4. That section second of an amendment to the aforesaid act, approved February twenty-sixth, one thousand eight hundred and seventy-three, be amended to read as follows: That the said mayor and common council shall hereafter, on demand of the school board, cause to be assessed, levied, and collected for school purposes, an ad valorem tax, not exceeding thirty cents on each one hundred dollars' worth of property in the city of Owensboro, which is now, or may be hereafter, subject to taxation for other municipal purposes; and said mayor and council shall set aside each year for school purposes thirty per cent. of all

special taxes and licenses collected by said mayor and common council; and said ad valorem and special taxes and licenses shall be collected as other municipal taxes are collected, and, when collected, shall be paid over to the treasurer of the board of trustees of the Owensboro public schools; and said moneys, when collected and paid over, shall be under the exclusive control of said board, to be used in paying the annual expenses of said schools.

§ 5. That section second of an amendment to the aforesaid act, approved March thirtieth, one thousand eight hundred and eighty-two, be amended by striking out the word "white."

§ 6. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

§ 7. This act shall take effect and be in force on and after its passage.

Approved March 3, 1884.

CHAPTER 314.

AN ACT to amend and reduce into one the acts incorporating the town of Olympia, Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

§ 1. That the corporate limits of the town of Olympia shall include all the territory within a boundary of one square mile, having for its center the front door of office of the present Lexington and Big Sandy depot, the north and south lines to run parallel with the Lexington and Big Sandy Railroad.

§ 2. That the said town is hereby laid off into four wards as follows, to-wit: The territory lying east of the Slate Furnace and Olympian Springs public road, and south of the Big Sandy Railroad, constituting one quarter of said square, shall be known as the first ward; the quarter lying west of the said Slate Furnace and Olympian Springs road, and south of the said railroad, shall be known as the second ward; the quarter of said square lying on the west side of

the Olympian Springs road and north of the said railroad, shall be known as the third ward; and the remaining quarter lying to the east of said Olympian Springs road, and north of the said railroad, shall be known as the fourth ward.

ARTICLE II.

§ 1. That the prudential, fiscal, and municipal powers of the said town shall be vested in a board of councilmen, to consist of a mayor and four councilmen, to be known and styled the Council of Olympia; which council and its successors shall be a body-politic and corporate; and by said name shall be capable of contracting and being contracted with, suing and being sued, and of doing all acts which a body-politic, having perpetual succession, can, in the exercise of its powers, lawfully and rightfully do. Said council, under said name and style, is hereby invested with all claims, titles, or interests in and to all rights of action, assets, and property held by or for the use of said town.

§ 2. The other officers of said town shall consist of a police judge, marshal, and clerk. The clerk shall be *ex officio* treasurer and assessor, and the marshal shall be *ex officio* collector of taxes.

§ 3. The first election under this act for officers of the said town shall be on the first Saturday in January, one thousand eight hundred and eighty-five. The persons then elected shall continue in office till the first Saturday in January, one thousand eight hundred and eighty-six, or until their successors qualify, and an annual election shall be held on the first Saturday in January thereafter for the election of said officers, except for police judge, who shall hold his office for a period of four years, and the marshal shall hold his office for a period of two years.

§ 4. No person shall be eligible to the office of mayor, police judge, marshal, or clerk or councilman, unless he be a male citizen of this Commonwealth over the age of twenty-one years, and unless he has been a resident of the county six months and of the town sixty days next preceding his election or appointment. Nor shall any one be eligible to any of the offices mentioned in this connection who is the

vendor of malt or vinous or spirituous liquors, by license or otherwise, and no person shall be granted such license during the term of office for which he may have been elected or appointed, although he may have resigned.

§ 5. No person shall have a right to vote in any of the said elections other than a male citizen over the age of twenty-one years, and a citizen of this Commonwealth, and a resident of Bath county six months, and of the town sixty days next preceding said election. Nor shall any person be eligible to hold any office, or to vote at any election of said town, until he shall have paid his town tax levied for the year preceding the one in which the election is held, and paid all fines, penalties, or forfeitures against him due said town.

§ 6. The town clerk shall be elected by the council annually at its first meeting after election or appointment, where there is a failure to elect.

§ 7. The mayor and council shall appoint any of said officers to fill vacancies to the next regular election for said officers.

§ 8. It shall be the duty of the clerk to advertise all elections in said town by at least five posters put in conspicuous places in said town at least ten days previous to said election day.

§ 9. The Bath county court shall, at its regular December term, and every year thereafter at said term, appoint two judges of election and a clerk for said town, all to be voters thereof, who are to hold said election for said town, and to hold their respective offices for a term of one year, and until their successors are duly qualified, all of whom shall be entitled to one dollar per day for said services at said elections, to be paid out of the town treasury on order of the mayor.

§ 10. The marshal and his deputies shall perform the same duties in said town as to elections as usually required of sheriffs on similar occasions, and all duties not inconsistent with the laws of Kentucky and of the United States on general election days.

§ 11. If two candidates receive the same number of votes, they shall determine it by lot in a manner to be adjusted by the mayor and council.

§ 12. The poll-books of the town shall be returned within twenty four hours after the close of the polls to the town clerk who shall, on the second day after the election, together with the mayor and marshal, count the vote for the several candidates, and deliver certificates signed by them to the successful candidates.

§ 13. That any person who shall vote or exercise an office in said town without being eligible shall, on conviction before the police judge, pay a fine of not less than twenty-five nor more than one hundred dollars.

§ 14. That all the elections of the qualified voters of said town be held between seven o'clock in the morning and five o'clock in the evening; all contested elections shall be tried by the council, and under any laws and ordinances provided by said council for the purpose not inconsistent with laws of this State nor of the United States.

§ 15. The clerk shall certify to the Secretary of State the name of the person elected or appointed police judge of said town, and the Governor shall issue a commission to said officer on said certificate.

§ 16. That J. D. McIntyre is hereby appointed mayor; H. D. Case, police judge; James McKee, Joseph Trimble, Henderson Cornett, and John Caldwell, councilmen, and Benjamin Tackett, marshal of said town, to hold their respective offices until their successors are elected and duly qualified; said election to be held upon the first Saturday in January, one thousand eight hundred and eighty-five.

ARTICLE III.

Powers and Duties of Officers.

§ 17. That every person elected or appointed to an executive, judicial, or other office under this act, shall, before he enters on the duties of his office, take and subscribe an oath before some officer authorized to administer an oath, to faithfully and impartially, and to the best of his ability, execute the duties of his office, and to be faithful and true to the laws of this Commonwealth, and especially those pertaining to said town; and it shall be the duty of the

clerk to file said oaths in his office as a part of the record thereof.

§ 18. The police judge, marshal, and clerk shall all give a bond, with two or more sureties, to be approved by the Bath county court, before entering upon the duties of their respective offices.

§ 19. The clerk of said town shall pay no money out of the town treasury except on the warrant of the mayor, in pursuance of the order of the council, and his books and accounts shall always be open to the inspection of the mayor and council.

§ 20. The clerk shall perform all the duties which the council may prescribe in relation to assessments of property for the purposes of levying taxes and any other duties imposed by the council.

§ 21. The mayor shall preside over the meeting of the council, and in case of a tie shall have the casting vote, and preside over the sittings of the police court in case of the absence or the inability of the regular judge.

§ 22. The mayor and three councilmen shall constitute a quorum for the transaction of business.

§ 23. The marshal shall attend all the sessions of the police court held for the trial of criminal and penal cases; he shall procure evidence in cases affecting his town or county, with ample authority to serve and execute all process, civil, criminal, or penal, that constables now have, and be subject to the same liabilities, and have, in cases of necessity, the power to appoint not exceeding four deputies, and the power to summon to his assistance all the able-bodied men in the town.

§ 24. The council shall have the power to fix the salaries of all town officers, to decrease or increase the same.

§ 25. That if any person, having been an officer in said town, shall not, within twenty days after notification and request, deliver to his successor in office all the property, papers, and effects of every description in his possession belonging to said town appertaining to the office he held, he shall forfeit and pay for the use of the town one hundred dollars, besides costs and damages caused by his neglect or

refusal so to deliver, to be recovered before the police court thereof.

§ 26. That all fines, forfeitures, and penalties imposed shall be paid promptly into the town treasury.

§ 27. That the mayor and council shall have power to prohibit the sale of spirituous, vinous, or malt liquors, or grant license for the sale of said liquors in said town, and shall regulate the charges therefor.

ARTICLE IV.

Police Regulations.

§ 28. That there shall be established in said town a court to be styled Olympia police court, to be held by the judge or mayor as aforesaid.

§ 29. The said court shall have exclusive original jurisdiction of all violations of the town ordinances, and concurrent jurisdiction with justices of the peace in civil cases.

§ 30. He shall hold his courts in civil actions regularly and monthly, but in criminal actions his court shall always be open.

§ 31. The said town shall have the right to build and maintain a common jail for offenders, and exercise such punishment as have other inferior courts in such cases in this Commonwealth; and shall have power to compel offenders to work out their fines, forfeitures, and costs upon the public works of said town, and credit them at the rate of not less than one dollar per day.

§ 32. That all processes issued by said judge shall be in the name of the Commonwealth of Kentucky, and full accord with offices of the justice of the peace in the county in maintaining the peace and punishing offenders, either by fine or imprisonment, or both.

§ 33. Said town is to have authority to suppress the sale of intoxicating malt or spirituous or vinous liquors within one mile of said corporate limits, and punishing the giving, selling, or loaning the same to minors; to make by-laws to repress riot, rout, breach of the peace, noise or disturbance, or disorderly assemblage of any and all kinds.

§ 34. Prevent the disturbing of religious worship, prevent horse-racing or fast or reckless riding and driving in the streets; to abate nuisances of all characters; to suppress houses of ill-fame within town jurisdiction, mend and repair streets, erect public buildings in said town; to promote the general morals of the community, and the right to liberally execute the laws for the public good.

§ 35. Said council shall have exclusive jurisdiction of the streets and pavements; power to remove obstructions and abate encroachments on the same; levy taxes in said corporation for its maintenance on all property not usually exempt by law, poll-tax not to exceed one dollar *per capita*.

§ 36. And finally to make, publish, ordain, amend, and repeal all such ordinances, by-laws, and police regulations, not contrary to the Constitution of this State nor of the United States, for the good government and order of said town, the trade and commerce of the same, as may be necessary or expedient to carry into effect the powers vested in the council or in any officer of said town, to enhance the happiness and contentment and good government in the said town and its surrounding country.

§ 37. This shall take effect from and after its passage.

Approved March 6, 1884.

CHAPTER 315.

AN ACT to provide for an official stenographer for the courts of Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the twelfth judicial circuit shall appoint one stenographer, skilled in his profession, who shall be the official stenographer of the Campbell circuit, chancery, criminal, and county courts of Campbell county, who shall hold his office for the term of four years, unless sooner removed by said judge for inefficiency or misconduct in office. Said stenographer, when appointed, shall take an oath for the faithful discharge of his duties.

§ 2. When either party to a suit, or attorney for such party, shall desire the services of said stenographer in said cause, such party or attorney shall notify the opposite party, his or her attorney; and if the parties to said suit agree for the rendering of the service by said stenographer in the suit, such agreement shall be entered of record in said court and cause. But if the parties cannot agree for the rendering of said service, then either party to such suit, by themselves or attorney, may move the court, notice having given the opposite party, or his or her attorney, of such motion, for an order requiring the services of said stenographer in said cause, and the court shall make an order allowing or disallowing the same.

§ 3. When such services shall be required of said stenographer as hereinbefore provided for in the trial of any cause in any of said courts, when oral testimony is given or allowed, said stenographer, upon notice that his services are required, shall attend upon said trial, and make short-hand notes of the testimony taken in the cause, which notes shall be preserved by said stenographer; and when a translation of said testimony contained in said short-hand shall be required by either party, or attorney of such party, said stenographer shall cause the said short-hand notes to be accurately transcribed into long hand, and to be delivered to the party requesting the same. The fees of said stenographer for taking said short-hand notes of testimony shall be fixed by the court at not exceeding ten dollars per day, and for transcribing the same into long hand he shall be allowed fifteen cents per folio of one hundred words, and all of such fees shall be paid to said stenographer by the party requesting his services, and for whom they were rendered, and such fees shall be taxed as part of the costs in the cause against the losing party, except when such party so losing shall have paid said fees they shall not be taxed against him.

§ 4. Said official stenographer shall have authority to swear witnesses, and take and certify depositions, to be used as evidence in the courts of this Commonwealth.

§ 5. This act shall be in force from and after its passage.

Approved March 6, 1884.

CHAPTER 316.

AN ACT to amend an act, entitled "An act to authorize the Louisville Insurance Company, the Franklin Insurance Company, and the Union Insurance Company, all of Louisville, Kentucky, to do a general fire and marine insurance business, under the name and style of the Louisville Underwriters," approved February twenty, one thousand eight hundred and seventy-eight.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section third of the said act, as amended, be amended, and is hereby amended to read as follows: It shall be lawful for this company, under the name and style of the Louisville Underwriters, to insure all kinds of property against loss or damage by fire, by storms, or by lightning, and make all kinds of marine insurance on boats, freights, and every description of property transported by land or water, on the general conditions and principles of marine fire insurance; and the capital stock, property, securities, and assets of this company, and of the three companies named herein, or which may hereafter compose this organization, shall be liable and bound for the obligations, agreements, and contracts made and entered into by this company. The other sections of the original act to remain unchanged.

§ 2. These amendments to take effect from and after their passage.

Approved March 6, 1884.

CHAPTER 317.

AN ACT to incorporate the Lebanon Water-works Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. M. Cardwell, N. S. Ray, F. Wilson, R. N. Wathen, and J. M. Knott, and their associates, successors, assigns, are hereby created a body-corporate and politic, with the right of perpetual succession, under the name and style of the Lebanon Water-works Company; and by that name may sue and be sued, plead and be impleaded, con-

tract and be contracted with, purchase, acquire, hold, and sell property, real, personal and mixed, to the extent required and for the purposes hereinafter mentioned; to have and keep a common seal, and alter and change the same at pleasure.

§ 2. That the authorized capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each. The authorized capital of said company may be increased to two hundred thousand dollars by a majority vote of all the stock of said corporation, to be cast at a meeting of the stockholders called for that purpose, of which meeting sixty days' notice in writing shall be given by the board of directors to each stockholder, designating the time, place, and purpose of said meeting. The incorporators may open books for subscription to the capital stock of said corporation at such times and places as they may deem proper, and close and re-open said books for subscription aforesaid as they may deem for the best interest of said corporation. Whenever ten thousand dollars of said capital stock shall have been subscribed, the corporation may organize and commence business. Payment of subscriptions for said capital stock shall be made at such times and in such ways as the incorporators or board of directors of said company, when elected, may determine upon.

§ 3. That the business of said corporation shall be the building of reservoirs, the laying of water-pipes, and the furnishing of water to the board of trustees of the town of Lebanon, to other corporations, companies, or individuals; and the doing and carrying out of all other business or things necessary to be done or carried on for the proper carrying into effect the purposes for which said corporation is organized. Said corporation may acquire by gift, purchase, or condemnation, ground upon which to erect all necessary reservoirs, pumping-houses, and apparatus, and all other buildings or other superstructures necessary for the full and complete enjoyment of the rights and privileges hereby granted; and also all ground necessary for the laying water-pipes and other mains to conduct and carry the water of said corporation to its reservoirs, and from said

reservoirs to the town of Lebanon, Kentucky, and to other corporation, companies, or individual, with or to whom said corporation may contract to furnish and deliver water.

§ 4. That the affairs of said corporation shall be under the control and management of a board of directors consisting of five stockholders, one of whom shall be chosen by said board president. The first board of directors shall be elected by stockholders at a meeting for that purpose called by the incorporators. After the first election the directors shall be elected annually, at such times and places as the by-laws of said corporation may fix.

§ 5. That said corporation shall have power, through its board of directors, to borrow money, or create indebtedness to an amount not exceeding its authorized capital stock, for the purpose of carrying on its business; and may issue its bonds or execute its notes therefor, bearing such rate of interest, not to exceed six per cent. per annum, and payable at such times and places as may be determined upon by the board of directors; and it may mortgage its property to secure the payment of the same.

§ 6. That for the purpose of constructing and maintaining said water-works and the necessary reservoirs, water-pipes, water-mains, and other apparatus and appendages thereto, the said corporation may acquire by purchase, gift, or condemnation so much land as may be necessary thereto; and it shall be lawful for them to apply to the Marion county court and have appointed three disinterested commissioners to examine the land necessary to be taken for the purposes aforesaid, and take from the proprietors of the same grants for so much land as the engineer of said corporation may state, in affidavit filed in the county court clerk's office, is necessary for the proper construction and maintenance of the water-works, reservoirs, pipes, mains, buildings, and other superstructures and apparatus thereto, and which may include the right to take stone, earth, and gravel for the use in the construction of the same: *Provided*, That when the parties are infants or absent or *non compos mentis*, or refuse to grant the land aforesaid, the commissioners aforesaid shall, after hearing any proof that

may be adduced, and upon their own view of the premises, proceed to value said land, earth, stone, or gravel required for the purpose aforesaid, and report the value they have fixed thereon, together with the evidence adduced, to the Marion county court; and the proprietors shall be actually or constructively summoned as provided in the Code of Civil Practice. It shall be lawful for the corporation or any proprietor, or both, to traverse the report, and for the court to have the traverse tried in open court by a jury, on which trial the report and evidence returned as aforesaid shall be heard, together with such other evidence as either party may produce. The report may stand for hearing, as to any proprietor, when the process has been executed ten days, or on the day fixed for the appearance of an absent proprietor; and the court shall have jurisdiction to confirm the report if no traverse is filed, and in case a traverse is filed, to have the same tried by a jury, and to give judgment upon the report or finding of the jury, and to have grants executed by a commissioner appointed by the court. Either party may take an appeal from the judgment of the court; but no appeal shall prevent or delay the corporation from taking possession of said land, provided that, in compliance with the order of the court, it pays into court which is authorized to receive the same the value of said land, earth, stone, or gravel required for the construction of said work as fixed by said commissioners; or if their report has been traversed, as determined by the finding of the jury.

§ 7. That said corporation may also, for the purpose of constructing and maintaining said works, occupy or use any street, road, public way, or ground, or any part thereof, upon such terms and conditions as may be agreed by said corporation, and the municipal authorities or corporation owning or having charge thereof. If no agreement can be made for the right to so use or occupy any road, street, or other public ground, said corporation may lay its water-pipes and maintain the same over, under, or along said roads, streets, or other public ground, paying to the municipal authorities or corporation, or persons owning or having charge of the same, all damages they may sustain by reason of the use of said

road, streets, or other public ground by this corporation; said damages to be ascertained and determined in the same manner that the value of the other property taken or used by said corporation is to be determined, as is provided in the preceding section of this act.

§ 8. The principal office of said corporation shall be in Lebanon, Kentucky.

§ 9. That the shares of stock herein shall be personal property, and that the private property of the corporators or stockholders shall not be liable for corporate debts.

§ 10. That this act shall take effect from its passage.

Approved March 6, 1884.

CHAPTER 318.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in relation to Shelbyville and Louisville Turnpike Road Company," approved February twenty-eighth, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section seven (7) of an act, entitled "An act to amend and reduce into one the several acts in relation to the Shelbyville and Louisville Turnpike Road Company," approved February twenty-eighth, one thousand eight hundred and eighty-two, be, and the same is, amended by adding thereto the following words: "For wagons, and other wheeled vehicles hauling produce to or from the railroad station at St. Matthews, and not passing through a toll-gate, said company may charge and collect tolls, but only for the distance actually traveled; and the rate per mile shall not exceed that allowed by law and collected from similar vehicles passing through a toll-gate. A special gate may be established for the collection of the tolls hereby allowed, but for no other tolls whatever; or they may issue permits."

§ 2. This act shall take effect from its passage.

Approved March 6, 1884.

CHAPTER 319.

AN ACT to regulate the sale of spirituous, vinous, and malt liquors in the Berryville precinct, in Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for any person or persons to sell spirituous, vinous, or malt liquors, or any mixture thereof, in quantities less than five gallons, in the Berryville precinct, number four, in the county of Harrison.

§ 2. Neither the county judge of Harrison county nor the trustees of the town of Berryville shall grant a license to any person to sell any of the said liquors in said precinct or town.

§ 3. So much of the charter of the town of Berryville, and all other laws that conflict with the provisions of this act, are hereby repealed.

§ 4. Any person selling such liquors in violation of this act shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars for each offense, to be recovered by warrant or indictment; and each selling as aforesaid shall be a separate and distinct offense.

§ 5. The provisions of this act shall not apply to any druggist who shall sell for medicinal purposes, on a prescription made and signed by a regular practicing physician; but no physician shall make or sign any such prescription for such liquors, except the person for whom it is made is actually sick, and such liquor is absolutely required as a medicine; and any druggist who shall sell such liquors, except upon such prescription, and any physician who makes such prescription for such liquors, except in cases of actual sickness, and such liquors are absolutely necessary as medicine, shall be severally guilty of a violation of this act, and shall be fined as hereinbefore provided.

§ 6. This act shall not become a law until it is ratified by a majority of the legal voters of said Berryville precinct, who may vote for or against it at an election to be held at the regular voting place in said precinct as hereinafter provided.

§ 7. It shall be the duty of the county judge, after the passage of this act, upon the request, in writing, signed by not less than five legal voters of said precinct, to appoint three suitable persons, voters in said precinct, to hold an election to ascertain the will of the legal voters of said precinct as to whether or not this act shall become a law.

§ 8. Said election shall be held at the regular voting place in said precinct, between the hours of six o'clock in the morning and seven o'clock in the evening; and the county judge of said county shall cause at least ten days' notice to be given of the time and place and purpose of holding said election by at least three written notices posted at three public places in said precinct.

§ 9. It shall be the duty of the county clerk of said county to prepare a poll-book for said election, and the officers of said election, or a majority of them, shall certify the result of the vote to the county judge of the county, and if this act shall receive a majority of all the votes cast, the said county judge shall make an order upon the order book of said county court showing said result, and from and after the making said order this act shall become a law and be in force.

§ 10. Any person who shall vote or attempt to vote, who is not at the time a legal voter of said precinct, shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Approved March 6, 1884.

CHAPTER 320.

AN ACT to authorize the trustees of the Central Presbyterian Church, of Louisville, to borrow money and provide for its payment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the Central Presbyterian Church, of Louisville, are empowered to borrow not exceeding five thousand dollars, at a rate of interest not exceeding six per cent. per annum, for which they may issue bonds, payable to bearer, with interest payable semi-yearly, and payable

at not a greater length of time than twenty years after date. Said bonds shall pass by delivery, and shall, in such denominations as the trustees may designate, not to exceed one thousand dollars each. They shall be signed by the president of said board, and attested by the clerk.

§ 2. That to secure the payment of said bonds and the interest thereon the said trustees shall have power to mortgage the real estate of said church, and may sell said property to satisfy said bonds and interest without instituting proceedings in equity for that purpose.

§ 3. This act shall be in force from and after its passage.

Approved March 6, 1884.

CHAPTER 321.

AN ACT for the appointment of a stenographic reporter of evidence in the first judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The circuit judge of the first judicial district of Kentucky, together with the judge of any court of similar jurisdiction holden in said district, if there be any such court of similar jurisdiction, and if not, the circuit judge alone, is hereby authorized to appoint a stenographic reporter, who shall be skilled in his profession, and who shall hold his office for four years, and until his successor is appointed and qualified, unless he shall be removed by said judge or judges for neglect of duty or incompetency.

§ 2. Said reporter shall, before he enters on the duties of his office, take the oaths required by law to be administered to all other officers of the court, and shall, by virtue of his office, be an examiner for McCracken county, fully authorized as such to administer oaths and take depositions in said county, to be read as evidence in any of the courts of this Commonwealth.

§ 3. In taking depositions in any case he may take the same at the request of the parties litigant, or their respective attorneys, in short-hand notes, which notes, when completed, shall be read to and subscribed by the witness, and

then copied in long-hand for the purpose of filing in court; and the said copy, when officially attested by said reporter, with his seal of office appended, shall have the same verity and effect as if taken wholly in long-hand.

§ 4. Said reporter shall be known as "the McCracken county stenographer," and have and keep a seal of office; and he shall carefully keep on file all his short-hand notes of depositions, and all oral evidence officially taken by him.

§ 5. Upon the trial of any cause on the ordinary equity or criminal docket of any of the courts of McCracken county, where oral testimony is given, if either party to the suit, or their attorney, requests the services of said official reporter, the presiding judge may, in his discretion, order a full report of the testimony, in which it shall be the duty of said official reporter to cause full short-hand notes of the evidence to be taken; and, upon request of either party to the suit, in person or by attorney, to cause a full and accurate transcript of the same to be made, which shall be filed among the papers, to be used in making up the bill of exceptions for the Court of Appeals; also as a deposition in any subsequent trial of the same case, or in any case in which the same could be legally used if taken regularly as a deposition; and if it becomes necessary for said testimony to be made a part of the record for the Court of Appeals, it need not be copied by the clerk, but may be attached to the record as a part of it; and when said cause is disposed of in the Court of Appeals, said testimony is to be returned to the court from which it was sent, except any such proof filed in an equity case shall be treated as a deposition, and copied in any record for the Court of Appeals.

§ 6. Upon the trial of any criminal case in any of the courts of McCracken county, if the Commonwealth's attorney, or the accused, shall, through his attorney, request the services of said official reporter to take down the evidence on the trial, the presiding judge may, in his discretion, order a full report and transcript of the same to be made and filed among the papers, which transcript may be used in making up the bill of exceptions for the Court of

Appeals, and copied in the record for the Court of Appeals. The fees of said official reporter for taking and transcribing, the testimony in Commonwealth cases shall be fixed by the presiding judge, at not less than five dollars in any one case and fifteen cents a folio of one hundred words for copying, nor exceeding ten dollars per diem and fifteen cents per folio of one hundred words. Said fees to be paid by the county, if demanded by the Commonwealth's attorney, and by the defendant if demanded by him, or otherwise, as the court may direct: *Provided*, No fees of said reporter for any service performed under this act shall be demanded from, or in any case paid by, the Commonwealth or out of the State Treasury.

§ 7. In any and all trials in the county court of McCracken county, or before any examining court or quarterly court, if either party or his attorneys shall request the services of said reporter, in order that the evidence may be preserved, the presiding judge, justice or justices of said court, may, in their discretion, order a full report of the testimony in such matter to be taken, in which case it shall be the duty of said reporter to cause full short hand notes of the testimony to be taken, and upon request of either party or its attorney to cause an accurate transcript of the same to be made and filed among the papers, to be used by the respective parties as the court may direct; the fees for taking notes and transcript of the same shall be fixed by the court as provided in the last foregoing section, and paid as therein provided, but shall be taxed as part of the costs of the suit or action, and follow the orders made for the payment of costs, and embraced in any judgment rendered for the costs of the action.

§ 8. In any and all cases, the testimony of any witness or witnesses taken by said official reporter, and certified by the judge presiding, and filed in any of said courts by order of court, shall constitute part of the record of the case, and may, in the discretion of the court, be under any subsequent trial of the same case between the same parties, where the testimony of such witness or witnesses cannot be procured;

which fact must be made to appear by evidence satisfactory to the court by the party desiring to use the same.

§ 9. The fees for the services in this act provided for shall, in no case, except taking depositions, be less than five dollars for any one case, and fifteen cents per folio of one hundred words for transcribing into long-hand; nor more than ten dollars per diem and fifteen cents per word for transcribing into long-hand; but for taking depositions in long-hand the same as now allowed by law, but in short-hand, one dollar for each deposition, and fifteen cents per folio of one hundred words for transcribing into long-hand and certifying same; but where said depositions are taken in short-hand, and any one deposition occupies one day or over, then the fees shall be ten dollars per day, and any fractional part thereof at the same rate, and fifteen cents per folio of one hundred words for copying into long hand and certifying the same; for any number of depositions taken in same case in one day, not over ten dollars to be charged, besides the copying into long hand.

§ 10. All fees provided for in this bill shall be considered due and payable as soon as the services are rendered, and the reporter may, in his discretion, withhold his short-hand notes, copies thereof, or depositions, until his fees are paid, or he is otherwise satisfied; and any allowance fixed by the court shall be final as to the amount. The party or parties demanding the services of said reporter shall be primarily liable for and shall pay his fees; but the court may, in its discretion, order said fees to be taxed in the general cost, and embraced in any judgment rendered for costs.

§ 11. Any copy of short-hand notes into long-hand of any oral testimony written out by said reporter, and certified as correct by the court ordering the same, shall have the same effect as if certified to by said reporter.

§ 12. The said reporter may be called by an order of court whence so called, to any other county in the first judicial district, to report any such proceedings in said court as pertains to his duties as above set forth in the courts of McCracken county; and while engaged in counties other than

McCracken, he shall receive the same fees and compensation as provided for in this act in said county of McCracken, and the necessary traveling expenses in going to and returning from such county or counties.

§ 13. Before entering upon the duties of his office as such official reporter, he shall appear before the circuit, common pleas, or county court of McCracken county, and before he is sworn as said reporter, shall execute a good and sufficient bond and good security, conditioned for the faithful performance of his duties as such reporter.

§ 14. This act shall take effect from its passage.

Approved March 6, 1884.

CHAPTER 322.

AN ACT to authorize the Breathitt county court to issue bonds to build a new court house, and to provide for the payment thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Breathitt county court, composed of the county judge and a majority of the justices of said county, are hereby authorized and empowered to issue the bonds of said county, with interest coupons attached, not exceeding fifteen thousand dollars in amount, and of the denomination of not less than one hundred dollars nor more than five hundred dollars, payable five years from their date, to bear interest at a rate not exceeding eight per cent. per annum, payable annually, at such place or places as the court may designate, on the third Monday in January in each year, on the presentation of the coupons.

§ 2. That the said county court shall prescribe the form of said bonds; the bonds and coupons shall be signed by the county judge, and attested by the county court clerk, and stamped with the seal of the court. These bonds shall be redeemable at the pleasure of the court at any time after one year from their date. The county court clerk shall enter on the order-book of said court the respective numbers of all bonds issued under this act, showing the amount and date thereof, and when and to whom delivered.

§ 3. The proceeds of the sale of said bonds shall be applied exclusively to the building of a new court-house in said county.

§ 4. To enable the court to comply with and carry out the provisions of this act, it is hereby empowered and authorized to levy annually a tax upon each legal voter of not exceeding two dollars, and an ad valorem tax of not exceeding twenty-five cents on each one hundred dollars' worth of taxable property in said county.

§ 5. That the taxes levied under the provisions of this act shall be collected by the sheriff of Breathitt county; and before he proceeds to collect the same he shall enter into bond, with good surety, worth as much as twice the amount to be collected, to be approved by the county judge and a majority of the justices of said court, in substance the same as the bond for the collection of the county levy, except that the form shall be changed to suit the case; upon which bond said sheriff and his said sureties shall be liable for the collection and payment of said taxes. The sheriff shall collect and pay these taxes to the court's authorized receiver by the first Monday in November in each year; and shall be allowed four per cent. on the amount collected, and no more, for his services.

§ 6. Said taxes, when so levied and collected, shall be used for the payment of the interest and principal of said bonds, and for no other purpose.

§ 7. That the county judge, and a majority of the justices of said county, shall appoint a commissioner or commissioners, who shall receive the bonds herein authorized to be issued, and sell and negotiate the same for not less than their face value, and to receive the proceeds thereof when sold.

§ 8. That said commissioner or commissioners, before entering on the discharge of his or their duties, shall execute bond, with surety, to be approved by said court, conditioned for the faithful performance of his or their duties; and to pay over to the proper persons entitled thereto any moneys that may come to his or their hands, and for the safe-keeping and preservation of all bonds and moneys that may come to their hands as commissioners aforesaid.

§ 9. Said bonds shall be numbered from one up; and the said commissioner or commissioners shall keep a register in a well bound book of all the bonds sold, giving their number, denomination, to whom sold, when sold, and for what price. After all of said bonds are sold, said register shall be immediately delivered to the county court clerk of said county, and by him safely kept.

§ 10. Said commissioner or commissioners shall make an annual report of all funds received and paid out by them, and a full exhibit of all of his or their acts and doings to the court of claims at their regular session, and as much oftener as they may require; and for any breach of the covenants of their bonds said commissioner or commissioners and their sureties shall be liable to any person or corporation aggrieved, the action to be in the name of the Commonwealth and in any court of competent jurisdiction.

§ 11. The county court shall provide for the necessary expenses of printing, issuing, and sale of said bonds out of the county levy.

§ 12. That no bond shall be perfected and signed until the sale money on the same has been paid; and it shall be a misdemeanor for any officer or commissioner to retain any money arising from the sale of any of said bonds after it is proper to pay it.

§ 13. The court shall provide the mode and manner of payment of said bonds; and when paid, they shall be destroyed in the presence of the court.

CHAPTER 324.

AN ACT to incorporate the Mad River Coal, Coke, and Iron Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James Philips, Philip G. Breen, William T. Randle, Edward A. Ireland, John C. Gordon, Isaac Litton, of Nashville, Tennessee, and James B. Ryan, of Muhlenburg county, Kentucky, their associates and successors, are

hereby created a corporation, with perpetual succession, by the name of the Mud River Coal, Coke, and Iron Company; and by said name may contract and be contracted with, sue and be sued, acquire, hold, use, and dispose of property, make rules and by-laws for the government of its officers, agents, and employes, and for the management of its affairs; and by said name is authorized to do whatever may be done by a natural person, not inconsistent with the Constitution and laws of Kentucky and the Constitution and laws of the United States.

§ 2. Said corporation is hereby authorized to explore for, dig, and mine stone-coal, iron ores, and all other mineral ores or substances; to quarry stone; to build coke ovens and make coke; to manufacture iron, steel, and other metals; to make brick, wooden-wares, and whatever else the company may choose to manufacture or make; to erect and operate mills, blast-furnaces, manufactories, machinery, and whatever may be necessary or useful in its business; to transport its coal and other products, and to build, acquire, own, and use boats, barges, floats, landings, wharves, and other things necessary or useful for its river transportation.

§ 3. Said corporation is hereby authorized to acquire and hold, in fee-simple or otherwise, the lands owned by the incorporators herein named, consisting of two thousand five hundred and sixty acres, all lying in Muhlenburg county, on the waters of Mud river and Clifty creek, except about two hundred acres lying in Butler county, on said river, and such other lands as said corporation may choose to acquire for its business or use.

§ 4. The capital stock of said corporation shall be three hundred thousand dollars, divided into three thousand shares of one hundred dollars each; and the capital stock of said corporation may be increased by the corporation, from time to time, to any sum not exceeding five hundred thousand dollars in like shares. When one sixth of said three thousand shares is subscribed, the incorporators herein named, or one or more of them, shall call the stockholders together, at some suitable place in Muhlenburg county, by notice mailed or delivered to each stockholder ten days before said

meeting, for the purpose of organizing and electing directors as herein provided. At said meeting, and at all meetings of the stockholders, each share of stock shall entitle the holder to one vote, in person or by proxy, upon all questions to be voted upon by the stockholders. Said incorporators may designate and appoint one or more of their number to receive said subscriptions.

§ 5. The affairs of said corporation shall be managed and conducted by seven directors, four of whom shall constitute a quorum for the transaction of business. Said directors shall be annually elected by the stockholders, and each one of them shall be a stockholder. After the first election, under the call of the incorporators, the directors shall be elected by the stockholders at their annual meeting, to begin on the first Tuesday in May of each year; and the directors so elected shall hold office for one year, and until their successors are chosen. The directors shall have power to fill any vacancy in their body, their appointee to hold office until his successor is chosen at the succeeding annual meeting of the stockholders.

§ 6. The officers of said corporation, to be chosen by the directors, shall be a president, a vice president, a secretary and treasurer, a general manager, and a general superintendent. The president and the vice president must be members of the board of directors. The office of the secretary and treasurer may be filled by one person. The duties and responsibilities of each of said officers shall be prescribed and regulated by by-laws. Each officer shall receive such compensation for his services as may, from time to time, be fixed by resolution of the directors. Such bond and security may be required, from time to time, of each of said officers, by the directors, as in their judgment may insure the faithful discharge of duty, and the safety of the money and property of said corporation. The directors shall have power to appoint such agents and employes, and prescribe and regulate their duties and compensation, as may to them seem proper.

§ 7. This act shall take effect from and after its passage.

Approved March 6, 1884.

CHAPTER 325.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in reference to the town of Princeton," approved February twenty eight, one thousand eight hundred and seventy, and acts amendatory thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend and reduce into one the several acts in reference to the town of Princeton," approved February twenty-eight, one thousand eight hundred and seventy, and acts amendatory thereof, be so amended that hereafter no person shall be prohibited from voting at any election held under said acts, on account of non payment of taxes, who shall have paid all which became due from him to said town within twelve months next prior to the time of holding such election.

§ 2. That the board of trustees of said town shall have the power to appoint a chief of police, as well as other policemen of said town, and the board of trustees may by order empower the chief of police to collect, levy, distrain, and sell, for any fine, forfeiture, or judgment due said town, upon proper process; but before so doing, he shall execute bond, with surety to said town, to be approved by said board, conditioned that he will faithfully and in due time execute such process, and collect and pay over such fines, forfeitures, judgments, &c., placed in his hands for collection.

§ 3. That if any town marshal elect of said town shall fail to execute satisfactory bond as such within twenty days after his election, the office shall be vacant, and the board of trustees shall by order so declare; and the marshal for the preceding term shall not hold over after the making of such order. And the board of trustees may order an election to fill the vacancy, giving at least twenty days notice of such election; but they shall not be required to do so earlier than the next succeeding annual election.

§ 4. This act shall be in force from its passage.

Approved March 6, 1884.

LAWS OF KENTUCKY.

CHAPTER 326.

AN ACT to incorporate the Short Creek Lodge of the Independent Order of Odd Fellows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Short Creek Lodge and their associates be, and they are hereby, created a body-corporate, by the name and style of the Short Creek Lodge of the Independent Order of Odd Fellows, and they and their associates and successors shall so continue and have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to have and use a common seal; they may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They do not come in contravention of the Constitution, laws and regulations of the Grand Lodge of the Independent Order of Odd Fellows incorporated by an act approved February sixteenth, one thousand eight hundred and thirty-eight, nor in contravention of the Constitution and laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate; to sell and convey the same or any part thereof, and to reinvest and dispose of the proceeds.

§ 2. This act to take effect from its passage.

Approved March 6, 1884.

CHAPTER 328.

AN ACT for the benefit of the magistrates of Montgomery county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fees of justices of the peace in and for Montgomery county shall hereafter be three dollars per day for holding court of claims, or for transacting any other bus-

iness, when they are required to assemble as a court by law for county purposes; and all acts in conflict with this act are hereby repealed as to said county.

§ 2. This act shall take effect from and after its passage.

Approved March 6, 1884

CHAPTER 329.

AN ACT for the benefit of Wm K. Reid, of Woodford county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of commissioners of the Kentucky Asylum at Danville for the Tuition of the Deaf and Dumb be, and they are hereby, authorized and required to admit as an inmate of said institution William K. Reid, infant son, aged six years, of Chilton Reid, of the county of Woodford, State of Kentucky.

§ 2. This act shall take effect from its passage.

[Became a law without the signature of the Governor.]

CHAPTER 330.

AN ACT for the benefit of Albert S. Luter, of Marshall county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter one thousand four hundred and fifty-three, section three, Acts one thousand eight hundred and eighty-two, approved April twenty-fourth, one thousand eight hundred and eighty-two, be, and the same is hereby, so amended as to exempt Albert S. Luter, of Marshall county, from its provisions.

§ 2. This act shall take effect from its passage.

[Became a law without the signature of the Governor.]

CHAPTER 331.

AN ACT for the benefit of B. G. Jones and others, sureties of John M. Power, sheriff of Magoffin county.

WHEREAS, Jno. M. Power, sheriff of Magoffin county, for the year one thousand eight hundred and seventy-eight, defaulted for the revenue due the State from said county of Magoffin for said year one thousand eight hundred and seventy-eight; and whereas, judgment was rendered in the Franklin circuit court against said Jno. M. Power, sheriff aforesaid, and B. G. Jones and others, his sureties, for said revenue; and whereas, said Jno. M. Power is now totally and hopelessly insolvent; and whereas, said B. G. Jones and others, his said sureties, have already paid various amounts on said judgment, and will be compelled to pay the remainder of said judgment, which amounts so paid will be a total loss to said sureties; and whereas, there are various and divers tracts of lands situated in said county of Magoffin, and listed for taxation in said county for said year one thousand eight hundred and seventy-eight, on which the State revenue for said year has never been paid; and whereas, said Jno. M. Power, sheriff aforesaid, in view of his said defalcation, and in contemplation of insolvency, became indifferent to the interests of his said sureties, and failed and refused to levy on and sell said land in satisfaction of said taxes; and whereas, said Jno. M. Power has turned over to his said sureties the uncollected taxes aforesaid; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judgment in favor of the Commonwealth of Kentucky against said Jno. M. Power, ex-sheriff of Magoffin county, for the year one thousand eight hundred and seventy-eight, and B. G. Jones and others, his sureties, for the revenue due the State of Kentucky for the year one thousand eight hundred and seventy-eight, be credited by the amount of interest and damages in said judgment, and that said interest and damages be discharged so far as said B. G. Jones and others, sureties aforesaid, are concerned, and the Auditor or other person or officer collecting said judgment shall enter a credit on said judgment by the full

amount of said interest and damages, so far as relates to said sureties.

§ 2. That the said B. G. Jones and others, sureties as aforesaid, be hereby permitted and allowed to list said delinquent taxes with the present sheriff of Magoffin county, or other person authorized to collect taxes, and said sheriff or other officer be authorized to collect said delinquent taxes as other taxes are collected: *Provided*, That none of the provisions of section one of this act shall apply, unless the balance due the State on said judgment shall be paid by said sureties or other person within six months from the passage of this act: *And provided further*, That this act shall not affect the cost, damages, or per cents due or awarded to or accruing to the Attorney General or other officer.

§ 3. This act shall take effect and be in force from and after its passage.

[Became a law without the signature of the Governor]

CHAPTER 332.

AN ACT to incorporate the town of Pittsburg, in Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of Pittsburg, in Laurel county, be, and the same is hereby, established as follows, to-wit: In the form of a square, whose sides shall be one and a half miles long, and parallel and right-angle lines with a line run from the depot at Pittsburg to and including the present residence of W. L. Brown, and a line in the opposite direction from the said depot, the said railroad depot to be in the center of the square and corporate limits.

§ 2. That Mike Hope, John Pitman, J. M. Baily, George Anderson, and George Givens, are hereby appointed trustees of said town, who shall hold their office until the first Saturday in December, one thousand eight hundred and eighty-four, and until their successors are elected and qualified; that on the first Saturday in December, one thousand eight hundred and eighty-four, and annually thereafter, there shall be

an election by the qualified voters of said town for five trustees, to serve for one year, and until their successors are duly elected and qualified. Said trustees herein mentioned shall, before they enter upon the duties of their office, be duly qualified by some one authorized to administer an oath that they shall faithfully discharge the duties of said office.

§ 3. That said trustees and their successors in office shall be a body-politic and corporate, and shall be known as the trustees of the town of Pittsburg, Kentucky; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all the courts of this Commonwealth.

§ 4. That said trustees, or any three of whom shall constitute a quorum, shall elect one of their number as chairman, who shall preside over the deliberation of said board when convened, and who shall have power to convene the board in session whenever he may deem it necessary.

§ 5. That said trustees shall have power over the streets, alleys, and sidewalks, and may direct the opening, straightening, altering, or improving of the same, in such manner as they may deem most beneficial to the said town. They shall have power to make all by-laws for the regulation and government of said town not inconsistent with the Constitution and laws of the United States and of this State. They shall have power to levy and collect a tax upon the property not to exceed twenty-five cents on the one hundred dollars, and a poll-tax not exceeding one dollar and fifty cents, to be applied to the improvements of the streets, alleys, sidewalk, or other improvements, and expenses for the benefit of said corporation (but said tax shall not be levied on the farming lands and coal banks in said corporation, unless same is improved by streets and sidewalks). They shall have power to tax shows and all public exhibitions such sums as they may in their by-laws fix.

§ 6 It shall be the duty of said board of trustees to appoint a treasurer, clerk, and assessor, and to take bonds with good security for the faithful discharge of the duties of their office; and for a violation of duty or default of any officer so appointed, suit may be brought before any tribu-

nal having jurisdiction thereof. A majority of said board of trustees may, for proper cause, remove any officer of said corporation and appoint others to fill the vacancy caused by said removal or otherwise.

§ 7. That said board of trustees shall keep a full and complete record of their proceedings, and at the request of a member, ayes and nays on any question shall be recorded: *Provided*, That no member shall vote on any question in which he has a private interest. They shall keep an account of all moneys levied, collected, and disbursed, and state on their journal for what each sum was disbursed, and shall, at all times, keep their journal open to the inspection of the citizens of the town. They shall cause all orders and proceedings of the board to be entered on the journal, and to be signed by the chairman or the chairman *pro tempore*.

§ 8. It shall be the duty of the clerk of the board of trustees appointed under the sixth section of this act to preserve the books, papers, and records belonging to the office, and to keep a regular journal of the board, and to record all its acts and resolutions, and to furnish attested copies of all acts and orders passed by the board when required to do so by persons entitled to demand the same, and to draw his order on the treasury for all sums due persons on claims allowed by the board of trustees. He shall make out a book for the collection of taxes, with a copy of the order of the board of trustees fixing the amount of assessments, and also a list of the persons and property by whom and upon which taxes are due and unpaid, and the amount of each claim respectively after the assessor's list has been revised and corrected by said board. The said clerk shall be allowed a reasonable compensation for his services, to be fixed by the board of trustees.

§ 9. That the treasurer shall receive and receipt for all moneys paid to the board. He shall pay out no money without a copy of an order of the board making the appropriation, signed by the clerk; and he shall file all such vouchers for settlement with the board. The treasurer is authorized to receive and receipt for all taxes that may be paid to him before the tenth day of October annually. He

shall, on or before the tenth day of October, annually, report to the clerk of said board of trustees a true list of all taxes and money received by him.

§ 10. That the assessor shall, after the first day of February, annually, assess the person and property of said corporation as county assessors are required to do, and make due return of a list of all persons and property owned by them, on the first day of February annually, on or before the first day of March in each year.

§ 11. That W. L. Brown is hereby appointed police judge and Ed. Pitman marshal for the town of Pittsburg, who shall hold their office until the first Saturday in December, one thousand eight hundred and eighty-four, and until their successors are duly elected and qualified; but, before entering upon the duties of their office, shall take an oath and execute bond as judges of county courts and sheriffs are required to do.

§ 12. That on the first Saturday in December, one thousand eight hundred and eighty-four, at the election of trustees for said town of Pittsburg, there shall be a poll opened for the election of police judge and marshal, who shall hold their office for the term of two years, and an election shall be held every two years thereafter for said offices; and the board of trustees shall make all necessary orders and appoint the necessary offices to conduct the same, as required to hold elections for county officers. The qualifications of the police judge and marshal shall be the same as those of county judge and sheriff.

§ 13. That said police court shall hold a regular monthly term of court, on a day to be fixed by the judge thereof, for the transaction of all civil and penal business; but same shall be deemed open at all times for trial of any violation of the statute and corporation laws. Said court shall keep all records as judges of quarterly courts are required to do in recording its acts. Said police judge shall have jurisdiction of all causes, civil, criminal, and penal, concurrent with that of the judge of the Laurel quarterly court, and of all misdemeanors occurring and committed in the said town. Said court shall be governed, in its rules and proceedings,

by the Code of Practice; and from its judgment appeals may be taken as therein provided for taking appeals from the judge of the county and quarterly courts.

§ 14. That the processes of said court may be directed to the marshal of said town and by him executed, or may be directed to any sheriff, constable, or marshal, as the judge may see proper. All processes for violation of the statute or corporate laws shall run in the name of the Commonwealth of Kentucky, and may go to any county of the Commonwealth; and said marshal, or other officer, may execute it anywhere in the State. The police judge shall be entitled to a fee of one dollar for issuing a warrant, and for each judgment fifty cents; for recording same fifty cents, and for all other services shall be entitled same fees that are allowed judges of the quarterly court for similar services. The judge shall also be allowed a reasonable compensation for *ex officio* services by the board of trustees, not exceeding three hundred dollars annually. The judge shall be the clerk of his own court, and in his absence the clerk of the board of trustees may act as clerk by appointment, entered on the order-book of said court; or he may appoint a clerk for his court if he desires, who shall take the required oath and execute bond before the court as clerks are required to do.

§ 15. That the marshal of the town, before he enters upon the duties of his office, shall take oath of office the same as sheriffs are required to take by law, and execute bond in a sum not less than one thousand dollars, with good security, conditioned as may be required by the board of trustees. It shall be his duty to execute and make due return of all notices and all processes legally directed to him, and receive and collect all fines and forfeitures due and payable to the town, and account for and pay over to the treasury the same at the time and in the manner required by law. He shall attend the meetings of the board, and serve and execute all orders and notices issued or made by them. He shall have all the power and shall be liable to all the responsibilities of a sheriff in the execution of the duties of his

office, and shall have jurisdiction concurrent with constables in the county of Laurel in civil, criminal, and penal matter.

§ 16. The marshal shall be *ex officio* collector of all taxes due the town; but the board may appoint another collector of tax for the same reason the county court may appoint a collector of revenue in the stead of the sheriff. The marshal shall be allowed to charge the same fees and commissions that are allowed constables for similar services, and for all other services shall receive such salary as may be determined by the board of trustees.

§ 17. For any tax levied under this act there shall exist a lien in favor of the trustees upon all the property of the tax-payer until the same is paid, which shall not be defeated by gift, devise, sale, alienation, or any other means whatever. In case the owner of taxable property shall fail to pay his taxes on or before the first day of October in each year, it shall be the duty of the tax-collector to levy on same and sell for cash in hand, at some public place in said town, after ten days' notice by written or printed notices, posted at three or more public places in said town, so much of the personal, mixed, and real property of the persons so in default as will pay off and discharge the tax of such person due the trustees, and ten per cent. damage thereon for the tax-collector, besides the expense of levy and sale; which sale shall vest the purchaser with the title and right to hold the same; and personal property so sold shall be delivered at once to the purchaser: *Provided, however,* That the owner of the real estate so sold may, within one year from day of sale, redeem such real estate by paying to the treasurer of the town, or to the clerk of the board of trustees of said town for said purchaser, the purchase money and ten per cent. thereon; but if he fails to redeem the same as hereinbefore set forth within one year, the chairman of the board of trustees shall convey by deed, to the purchaser or his heirs or assigns, the estate so purchased under his official title, and said deed shall vest the full fee-simple title in the purchaser, who, to obtain possession, shall be entitled to the same remedies as are provided by law in case of a purchaser under sheriff deed.

The board of trustees shall make all needful rules and regulations to carry into effect its foregoing provisions.

§ 18. The male inhabitants of the town of the age of twenty-one years and over, who have resided in said town as required by law to reside in any district of this State, shall be entitled to a vote at each and every election held in said town.

§ 19. That all fines for violation of the penal statutes committed within the corporate limits of said town shall be paid to the treasurer of said town for the benefit of said corporation, except fines in circuit and criminal courts.

§ 20. Said board of trustees shall have the power to make rules and regulations for the cleanliness, good order, decency, and decorum of the town, for the preservation of the health, lives, peace, and property of the inhabitants of the town, and to adopt, regulate, and enforce all needful sanitary measures

§ 21. This act shall take effect and be in force from its passage.

Approved March 8, 1884.

CHAPTER 333.

AN ACT to incorporate the Central Railway and Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. R. Springer, Henry Hanna, Jno. A. Williamson, John W. Kirk, C. J. Helm, L. R. Hawthorn, Geo. Wilshire, and John C. Benton, their associates, successors, and assigns, be, and they are hereby, incorporated, under the name of the "Central Railway and Bridge Company," with power to raise a capital stock of not exceeding two million five hundred thousand dollars; and to acquire the right of way, and construct and operate on the same a railway of double or single track, from any point in the corporate limits of the city of Newport, or from any point within fifteen miles thereof, to and through said city and across the Ohio river; with power to lease, let, or rent said railway and the franchises in this act granted; and with

power to charge and collect fees or tolls on locomotives, cars, and all kinds of rolling stock belonging to other railway companies using or transporting over the track or tracks of this company; and with power to said company to acquire the necessary ground for a depot, and for machine shops; and to erect depot buildings, machine shops, and such side and connecting tracks as may be necessary and convenient for conducting the business of the company; and with further power to said company to buy or lease all or any part of any railroad now built, or hereafter built, within said city, or within fifteen miles of the corporate limits thereof; and to acquire the right of way over any street, public ground, or property belonging to the city of Newport for the purposes of said company.

§ 2. That said company may, for the purpose of carrying their railway over and across the Ohio river, or for the purpose of securing a means therefor, contribute to, or take stock in, any company incorporated and organized for the purpose of constructing and building or operating a bridge across the Ohio river at Newport; or may contract with any company incorporated for said purpose, or person or persons, to build and erect said bridge, and may make such agreements as it may deem advisable and prudent with any company so incorporated as aforesaid, or person or persons, for the construction and completion of such a bridge; and may, in pursuance of any such contract or agreement, and not in violation or contravention of the charter of any such incorporated company as it may so contract with, but with the powers of such company, proceed to erect and complete any such bridge so contracted to be built; or the company incorporated by this act may erect a bridge across said river at any point within the corporate limits of said city of Newport; and this company may construct said bridge for said railway purposes, or may construct said bridge with carriage or wagon-ways and with foot-ways: *Provided*, That said bridge shall be constructed according to, and not in violation of, any laws of the United States regulating the construction of bridges across the Ohio river; and should said company build said bridge for carriage and foot-ways

only, it may charge and collect in either case such rates of toll for the use of said ways, not exceeding the rate authorized by law to be charged by the Covington and Cincinnati Bridge Company.

§ 3. That it shall be lawful for any person or persons, incorporated company or companies, or incorporated body, to enter into any contract or agreement with said company to secure the construction of said bridge, or the carriage and foot-ways, or either, thereto, or to purchase from said company such bridge or such carriage and foot ways as it may construct; and if said bridge, or the carriage and foot-ways thereof, should be purchased by any person or persons, or any incorporated company or body corporate, then the right granted to this company to charge and collect tolls on the same, and all other rights pertaining to the bridge or to that part of the bridge so sold by this company, shall cease as to it, and shall belong to and vest in the person, persons, incorporated company, or corporate body so purchasing.

§ 4. Said company so incorporated by this act shall have the further power to erect a bridge across and over the Licking river, at any point within the corporate limits of said city of Newport, between the south line of Harris street and the corporate limits of said city; and said company may construct said bridge for railway purposes, and may also construct the same with carriage or wagon-ways and with foot-ways, or may do either, and may extend a railway over said bridge with as many sets of tracks as may be deemed expedient; and may acquire the right of way, and construct and operate on the same a railway of double or single track from either or both ends of said bridge, extending to or connecting with the depots or tracks of any and all railroads that may now or hereafter terminate in or pass through either the city of Newport or the city of Covington; and may acquire the right of way and construct and operate on the same a railway of double or single track, from either or both ends of said Licking river bridge, extending to or connecting with any bridge now built or hereafter built across the Ohio river, either from the city of Newport or the city of Covington; and said company may acquire the right of way and

extend and operate on the same a branch railway of double or single track, from and connecting with the railway authorized by section first of this act, and to and connecting with or over said Licking river bridge. Upon the wagon-ways and foot-ways of said bridge tolls may be charged and collected by said company, not exceeding the tolls now authorized by law to be charged and collected by the suspension bridge across the Licking river between Newport and Covington.

§ 5. Said company shall have perpetual succession; may sue and be sued; may contract and be contracted with; may have and use a common seal, and generally use and enjoy all the rights and powers incident to corporations, and which are convenient and proper to be used and enjoyed in and about the building and operating said railway tracks and said bridges; and shall have full power to purchase, lease, or otherwise acquire and hold, as much real estate as may be necessary for a site for both said bridges, and for the piers, approaches, abutments, toll-houses, and necessary and suitable avenues leading to the same; also to borrow money not exceeding the capital stock mentioned in this act, and to secure the same in such manner and on such terms as may be agreed upon, with power to said company to mortgage any or all of its property and franchises to secure any loan made by it.

§ 6. Individuals, companies, and corporations created by the laws of this State, or any State of the United States, shall have the right to take stock in this company; and this company is authorized to make contracts with any railroad company in or out of this State, or to consolidate stock with any such railroad company, upon such terms as may be agreed upon; and the said company may receive subscriptions to its capital stock in real or personal property, or choses in action, upon such terms as may be agreed upon, and may sell and convey all such property in as full and complete a manner as natural persons; and said company may issue its mortgage bonds to any amount not exceeding two million dollars, payable at such times, and bearing a rate of interest as may be determined.

§ 7. That whenever said company shall be unable to agree with the owner of any land, earth, stone, gravel, timber, or other material required for the site or construction of said railway and tracks, and said piers, approaches, abutments, toll-houses, and avenues to and for the use of said bridges, or whenever such land or materials required shall be owned by a person not a resident of said county, or who is an infant, *feme covert*, or *non compos mentis*, that the same may be condemned in the mode and manner as provided by an act, entitled "An act to prescribe the mode of condemning land for the use of railroads and turnpike companies," approved April eleventh, one thousand eight hundred and eighty-two. That said company shall only acquire the right of way over any street, avenue, or road, in either the cities of Newport or Covington, by contract with boards of councilmen of the respective cities. And this act shall not be construed to authorize any steam railroad to be built in or through Kenton county.

§ 8. That the capital stock of said company shall be divided into shares of one hundred dollars each, and said corporators, or any three of whom, shall have power to cause books to be opened, at such time or times, place or places, as they may agree upon, and cause said books to be kept open such length of time, not less than twenty days, upon any such notice as they may prescribe, and under the direction of such person or persons as they may designate; and if at the end of such time the whole amount of the capital stock shall not have been subscribed, the said corporators, or any three of them, by giving notice as aforesaid, shall have power to order books to be opened at such other times and places, and may repeat the same as aforesaid as often as necessary. That when one thousand shares shall have been subscribed to the capital stock of said company, the persons authorized to open books, or a majority of them living, shall advertise for a meeting of stockholders of said company, in the city of Newport, giving ten days' notice of such meeting in a newspaper published, or of general circulation in said city; and the stockholders who have paid not less than five dollars on each share subscribed, shall

proceed to elect five directors, one of whom shall be chosen president, all of whom shall be stockholders in said company; and said directors so elected shall elect or appoint such other officers or agents as may be deemed necessary, and fix salaries and require such bonds as may be determined, at which meeting each stockholder shall be entitled to one vote for each share of stock he, she, or they may own in said company, and said stockholders may vote in person or by proxy; after said election, said company shall elect annually like directors, the same to be elected by such stockholders as have paid all calls on their said stock.

§ 9. The private property of members of this corporation shall be exempt from liability for corporate debts.

§ 10. This act to be in force from its passage.

Approved March 8, 1884.

CHAPTER 334.

AN ACT to amend an act, entitled "An act to incorporate the Western Financial Corporation," approved February tenth, one thousand eight hundred and sixty-five, and the several acts amendatory thereto, and to change the name thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Western Financial Corporation," approved February tenth, one thousand eight hundred and sixty-five, and the acts amendatory thereto, approved March second, one thousand eight hundred and sixty-five, and February twenty-seventh, one thousand eight hundred and eighty-two, be amended so that the name and style of said corporation shall in future be the "Bank of Commerce;" and by that name shall have all the powers, rights, and privileges conferred by said original and amendatory acts, to which this is an amendment.

§ 2. That in and by said name, "Bank of Commerce," it shall hold its assets and transact its business, and shall sue and be sued, and answer and defend in suits, either upon claims now existing or which may hereafter arise. But any suits now pending may be conducted to final judgment and

execution in the old name, in all respects as if this act had not been passed. And for the purpose of winding up and making settlement of its present business, the old name may be used in like manner as if this act had not passed.

§ 3. That it shall have power in its name as changed by this act to call in and cancel its outstanding certificates of stock, and to issue in lieu thereof new certificates to conform to the name as changed by this act.

§ 4. This act shall take effect on the first day of July, one thousand eight hundred and eighty-four.

Approved March 8, 1884.

CHAPTER 335.

AN ACT to amend an act, entitled "An act to incorporate the Citizens' Gas Light Company of Louisville," approved March twenty-first, one thousand eight hundred and seventy-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Citizens' Gas Light Company of Louisville," approved March twenty-first, one thousand eight hundred and seventy-two, be, and is hereby, so amended that the capital stock of said company may be increased, not in excess of five millions of dollars; and that said company shall have the power and authority to issue its bonds, not in excess of two and one-half millions of dollars, with semi annual interest coupons thereto attached, not to exceed six per centum per annum, payable at such times and places as may be named in the body thereof; and to secure the payments thereof by executing one or more mortgages to one or more trustees, for the common benefit of the holders of its bonds, upon its real and personal property and franchises, rights and privileges.

§ 2. That said Citizens' Gas Light Company shall have the power to acquire, by purchase or otherwise, the control of, and buy, own, and hold stock in any other gas company or companies in this Commonwealth, upon such terms as may be agreed upon.

§ 3. That this act shall take effect and be in force from and after its passage.

Approved March 8, 1884.

CHAPTER 336.

AN ACT to amend the charter of the Elizaville and Fairview Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The board of directors of the Elizaville and Fairview Turnpike Road Company are hereby authorized and empowered to subscribe to the capital stock of the Mount Tabor and Abnee's Mill Turnpike Road Company, in any sum, and for any distance, not to exceed at the rate of two hundred and fifty dollars per mile, for the distance that said Mount Tabor and Abnee's Mill Turnpike Road will run in the county of Fleming.

§ 2. When the directors of said company shall vote to subscribe stock to the Mount Tabor and Abnee's Mill Turnpike Road Company as aforesaid, it shall be entered upon the record-book of said company, and the president of said Elizaville and Fairview Turnpike Road Company authorized and directed to subscribe the stock agreed to be taken by said company in said road; and when it is so subscribed by him, it shall be valid and binding upon said company, and said Elizaville and Fairview Turnpike Road Company shall be bound and liable for the payment of the same to the said Mount Tabor and Abnee's Mill Turnpike Road Company. For said sum, when paid, the board of directors of the Mount Tabor and Abnee's Mill Turnpike Road Company shall issue certificate or certificates of stock to the said Elizaville and Fairview Turnpike Road Company.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 7, 1884.

CHAPTER 337.

AN ACT to incorporate the Kingston's Mill Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John W. Francis, R. M. Johnson, Jefferson Coy, and such other persons as may hereafter be associated with them, be, and are hereby, created a body-corporate, under the name and style of the "Kingston's Mill Company," for the purpose of carrying on at the village of Kingston, in Madison county, the business of manufacture and sale of flour, meal, and other like commodities, from flouring and grist mills proposed to be established at that place, and for fattening stock on that place.

§ 2. That for the accomplishment of their purposes, said corporation shall have perpetual succession, the right to sue and be sued, to contract and be contracted with, by their corporate name, and to have a common seal, and to change and alter the same at pleasure.

§ 3. The capital stock of said corporation shall be not exceeding twenty thousand dollars, subdivided into shares of one hundred dollars each, to be paid in at such times and upon such calls as may be agreed upon after due notice, and which shares of stock shall be transferable upon such terms and in such modes as the corporation may prescribe.

§ 4. Said body-corporate shall have power and authority to purchase for their purposes such quantity of land as may be necessary, not exceeding twenty acres, construct granaries, elevators, and mills, with all proper machinery and appliances for the prudent and successful management of their affairs; and to buy wheat, corn, rye, and all other kinds of grain they may need ; buy live stock, and employ laborers and machinists, and provide for repairs and such improvements as from time to time may be found useful.

§ 5. The private property of members of the corporation shall be exempt from liability for corporate debts; and in making contracts, and acquiring and transferring property, the corporation shall possess the same power in such respects as private persons now have.

§ 6. The officers of the corporation shall be a president, secretary, and treasurer, who shall be chosen by a majority of the stockholders; and the corporation may establish by-laws, and make all such rules and regulations expedient for the management of their affairs, not inconsistent with the Constitution or laws of Kentucky or of the United States.

§ 7. The first election of officers of this corporation shall be held on the first Saturday in May, one thousand eight hundred and eighty-four, and the officers then chosen shall continue in office one year, or until their successors are elected, and in voting, each stockholder shall be entitled to cast one vote for each share of stock owned by him, and the officer elected shall discharge such duties as may be required by the by-laws, and the by-laws may be repealed or changed when a majority of the stockholders think proper.

§ 8. The corporation shall, at no time, incur debts or liabilities exceeding two thirds of the amount of its capital stock.

§ 9. The certificates of stock shall be issued, signed by the president, attested by the secretary under the seal of the corporation.

§ 10. This act to be of force from its passage.

Approved March 7, 1884.

CHAPTER 338.

AN ACT to incorporate the Shawnee Run and Harrodsburg Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. John L. Lassell, George N. Handy, Grant Cooke, Thomas Bowman, C. B. Sullivan, Ed. Cosby, D. L. Moore, their associates and successors, be, and are hereby, created a body-politic and corporate, under the name and style of "The Harrodsburg and Shawnee Run Turnpike Company," with perpetual succession; and by that name are hereby made capable in law and equity to sue and be sued, plead and be impleaded, in all courts of law and equity; to contract and be contracted with; to make, use, and have a

common seal, and to alter the same at pleasure; and said corporation shall have such powers and authority as are usual and incident to turnpike corporations in Kentucky, and as are necessary to carry out the purposes of this charter.

§ 2. The object of said corporation is to construct and maintain a turnpike road in Mercer county, commencing on the pike leading from Harrodsburg to Lexington, between the lands of James H. Moore and W. P. Harvey, and running nearly east, following as near as practicable what is known as the Shawnee Run Dirt Road, and as near on said road as may be found convenient and expedient. Said turnpike road to be nearly straight as practicable, and to be not less than forty nor more than fifty feet in width; and the terminus of said road to be upon the Danville and Pleasant Hill Turnpike, opposite the land of D. L. Moore, and between Cosby's land and what is known as the Leathers' farm. Said corporation shall definitely fix and locate said route for the construction of said pike; prescribe the grades and the width and depth of the metal placed thereon, and the mode and manner of constructing the same, and designate the place for a toll-gate. After one mile of said road shall have been completed, they shall have the right to charge proportionate toll, and apply the same to the completion or repairing of said road; and so with each additional mile to be completed.

§ 3. The capital stock of said company shall be ten thousand dollars, to be increased or decreased at the will of said company, divided into shares of twenty-five dollars each; and furthermore, that so much of the act contained in chapter seven hundred and seventy-seven (777), entitled "An act to incorporate the Shawnee Turnpike Company," passed during the session of the General Assembly in one thousand eight hundred and eighty-one, and approved April first, one thousand eight hundred and eighty-one, beginning with paragraph (4) four of said act, and continuing to the end of said chapter, except in paragraph (9) nine, where the words "Shawnee Turnpike Company" occur, which shall be omitted, and the words "Harrodsburg and Shawnee Run Turn-

pike Company" be substituted, shall be, and are hereby, incorporated in this act.

§ 4. This act to take effect from and after its passage.

Approved March 7, 1884.

CHAPTER 339.

AN ACT to incorporate the Berea and Walnut Meadow Turnpike Road Company.

WHEREAS, Certain persons have heretofore built a turnpike road in Madison county, Kentucky, from Berea to the Silver Creek, Walnut Meadow, and Big Hill Turnpike Road, in the same county, and now desire an act of incorporation; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the persons who have heretofore subscribed stock and paid the same to build said turnpike road from Berea to the Silver Creek, Walnut Meadow, and Big Hill Turnpike Road, and their successors and assigns, be, and they are hereby, created a body politic and corporate, under the name and style of "The Berea and Walnut Meadow Turnpike Road Company;" and by that name may sue and be sued, contract and be contracted with, and shall have perpetual succession.

§ 2. Said road shall be under the control and management of six directors, one of whom shall be chosen president by said directors, and another of whom shall in like manner be chosen secretary and treasurer of said company. The directors shall be elected annually by the stockholders, on the first Saturday in May, and hold their offices until their successors are elected.

§ 3. John B. Kirby, Charles Lester, P. D. Dodge, James A. Ballard, James A. Anderson, and Calvin M. Todd, are hereby constituted a board of directors for said company, with John B. Kirby president, and Calvin M. Todd secretary and treasurer, who shall hold their offices until their successors are duly elected and qualified.

§ 4. The capital stock of said company shall be six thousand dollars, to be divided into shares of fifty dollars each; and in the election of officers, the stockholders shall have a right to one vote for each share of stock owned by the stockholder in his own right.

§ 5. The business and object of said corporation shall be to keep up, maintain, and operate a turnpike road from the town of Berea, in Madison county, to the Silver Creek, Walnut Meadow, and Big Hill Turnpike Road, in the same county.

§ 6. That the president and directors of said Berea, and Walnut Meadow Turnpike Road Company are hereby authorized and empowered to erect and maintain a toll-gate on said turnpike road, and collect tolls pursuant to the rates now established by law.

§ 7. That the president of the Berea and Walnut Meadow Turnpike Road Company are hereby vested with all the powers, authority, privileges, and advantages that are now vested in the Silver Creek, Walnut Meadow, and Big Hill Turnpike Road Company by its act of incorporation, approved February fifth, one thousand eight hundred and sixty-eight, as if repeated herein, except so far as altered and modified by this act.

§ 8. This act shall take effect and be in force from and after its passage.

Approved March 7, 1884.

CHAPTER 340.

AN ACT to amend the charter of the Flemingsburg and Elizaville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president, directors, and company of the Flemingsburg and Elizaville Turnpike be authorized to change the present location of their toll-gate on their road; and if they deem it expedient, they are further authorized and empowered to erect two gates on their said road; but

toll shall only be charged according to the number of miles traveled on said road.

§ 2. That they may erect one of their said toll-gates on said road within one-half mile of the corporation of the town of Flemingsburg; one within one-half mile of the corporation of the town of Elizaville.

§ 3. This act to take effect from its passage.

Approved March 7, 1884.

CHAPTER 341.

AN ACT to incorporate the Brick-layers' Union, number one, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Gray, Martin Murphy, Frank Allen, R. H. Deboe, Wm. Dutt, John Stout, N. J. Murphy, John Hooton, John Hoertz, James Parsons, their successors and assigns, be, and the same are hereby, created a body-politic, under the name and style of the Brick-layers' Union, number one, of Louisville, Kentucky; with power to sue and be sued, plead and be impleaded; and to adopt a common seal, and alter the same at pleasure, and with perpetual succession.

§ 2. Said union is established for benevolent purposes, to assist their sick and disabled members; and for the purpose aforesaid, may own and hold real and personal estate by gift, deed, or devise, but not to exceed at any one time twenty-five thousand dollars.

§ 3. The regular officers of said society shall be a president, vice president, treasurer, recording secretary, financial secretary, sergeant-at-arms, marshal, and three trustees, the whole of whom, except the treasurer, shall constitute an executive committee.

§ 4. That they shall have the right to make their own constitution and by-laws for their government, not in conflict with the Constitution and laws of the United States and the State of Kentucky; and shall therein prescribe the requirements for admission to membership, duties of offi-

cers; and they shall require such bonds of their financial officers as may be deemed safe and prudent; fix the time for the election of officers, and the terms for same; and may make such other reasonable by-laws as will best effect the purposes of this union.

§ 5. That they may erect buildings suitable for the object of this society; and may sell, mortgage, and lease their buildings, and real and personal estate, in the manner prescribed in their constitution.

§ 6. The private property of the incorporators, or members of this union, shall not be subjected or liable for the debts of this organization.

§ 7. This act shall take effect from and after its passage.

Approved March 7, 1884.

CHAPTER 342.

AN ACT to authorize the voters of Livingston county to vote on the question to remove the county seat, providing for the location of the county seat, and building a court house, jail, and clerks' office of said county seat.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Livingston county court to order the sheriff of said county to open a poll at each of the voting precincts of said county on Monday, the fourth day of August, one thousand eight hundred and eighty-four, to take the sense of the qualified voters of said county on the question of removal of the county seat from Smithland to a point on the north side of the Cumberland river, in said county, hereinafter fixed and provided for; and the said county court shall appoint the officers to hold said election, and, in making said appointments, to have due regard to the general laws on that subject.

§ 2. That in making out the poll-books for the various voting places for the purpose of taking the vote on said question, the clerk shall prepare one column in which to record the votes of those who are in favor of the removal of the county seat as aforesaid, and the poll-books shall be

delivered by the sheriff to the several clerks of the election. The clerk of said election shall propound to each individual voter voting at said election the question : " Are you for or against the removal of the county seat from Smithland to a point in said county hereafter to be fixed ? " And if said voter answers affirmatively, his vote shall be so recorded ; and if he answers negatively, no entry shall be made of it on said poll-book.

§ 3. That the poll-book shall be kept sealed by the clerk of said election, as required of them by the general laws on the subject of elections; shall be delivered to the clerk of the county court by the sheriff of said election; and the officers whose duty it is to count and compare the vote in case of elections shall, on Wednesday after said election, open said poll-books and count and compare the polls, and make known the result, in the same manner as is now required by law in the election of county officers.

§ 4. That if a majority of all the qualified voters of the county vote for the removal of the county seat as aforesaid, the court-house and public offices shall be erected at the point hereinafter provided for, and the books, papers, and records of the county shall be removed there, and the various courts of the county shall be held there, and it shall thereafter be the county seat of said county; and in order to ascertain whether a majority of all the qualified voters of the county are in favor of the removal, the officers comparing the polls shall refer to the assessor's books, and count thereon each individual assessed for the purpose of county levy or poll-tax, and from that result determine whether the majority have voted for the removal.

§ 5. That upon its being ascertained that a majority have voted for the removal as aforesaid, then the presiding judges of the counties of McCracken, Marshall, Lyon, and Crittenden, be, and they are hereby, authorized and empowered to select a suitable point in said county of Livingston, as near the territorial center of said county as may be deemed practicable, for the location of said county seat and the boundaries thereof, and they shall report to the county court of Livingston their said selection and location, which report

shall be filed and recorded in the order-book of said county court.

§ 6. That to enable the county court of Livingston county to erect a court-house, jail, and public offices at the point selected for the county seat of said county as above provided for, the county court of said county, at any term thereof, a majority of the justices of the peace of said county being present and concurring therein, shall have power to levy an ad valorem tax, not exceeding fifty cents in any one year, upon each one hundred dollars' worth of property subject to taxation for State revenue, as it appears upon the commissioner's book of tax for said county for each year, for the purpose of building said court-house, jail, and public offices. The sheriff of said county shall collect said tax at the same time and in the same manner that he collects the State revenue; and he shall execute bond in the same manner as he now is required for the collection of the State revenue; and he and his sureties shall be responsible in the same manner, and to the same extent, including damages for the non-payment or non-collection of the same, as they are by law responsible for the State revenue, except that the proceedings against them shall be in the Livingston circuit court or common pleas court, by motion or suit. He shall account for and pay said tax at the same term that by law he is required to account for and pay the county levy of said county, and shall receive the same commission for the collection of the same as for county levy.

§ 7. That the tax above provided for shall be levied from year to year until said buildings shall be completed and paid for, and no longer.

§ 8. This act shall be in force from and after its passage.

Approved March 7, 1884.

CHAPTER 343.

AN ACT for the benefit of J. T. Beauchamp, of Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the production of the certificate of the county court of Warren county, that Jas. T. Beauchamp is

a person of honesty, probity, and good demeanor, to the Court of Appeals, or to any circuit judge of the Commonwealth of Kentucky, they may examine said Beauchamp touching his qualifications as a lawyer, and if thereupon they believe he is qualified to practice as an attorney at law, they shall grant him license accordingly, and after being so licensed, he shall be authorized to practice law in the courts of this Commonwealth as if of the age of twenty-one years: *Provided*, That he shall be responsible for all his contracts and the performance of his duties as an attorney at law as if of full age.

§ 2. This act shall be in full force from its passage.

Approved March 7, 1884.

CHAPTER 344.

AN ACT for the benefit of John Feland, jr., of Christian county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Feland, jr., of Christian county, be, and he is hereby, relieved of the disability of infancy to the extent, and for the purpose of allowing him to practice law in the courts of this Commonwealth: *Provided*, He shall have first obtained license therefor as now required by law.

§ 2. This act shall take effect from its passage.

Approved March 7, 1884.

CHAPTER 345.

AN ACT to amend an act to incorporate the Paint Lick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved April first, one thousand eight hundred and eighty-two, to incorporate the Nicholasville and Paint Lick Turnpike Road Company, in Jessamine county, be, and the same is hereby, so amended as to include the branch turnpike road extending from the said main road at Harrison Wade's shop to the corner of Aaron

Blakeman's yard, near Little Hickman Church, with all the rights and franchises of the main road; which branch road shall hereafter be known as the Branch of the Nicholasville and Paint Lick Turnpike Road; and the company of said road shall have the right to erect three toll-gates on their line of road: *Provided*, The charges for toll shall not be in excess of the rates fixed by law for each mile traveled.

Approved March 7, 1884.

CHAPTER 346.

AN ACT to legalize the proceedings of the Clark county court.

WHEREAS, The late judge of said court died, leaving unsigned the order-book of said court; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present judge of said court is hereby authorized to sign said minutes, with the same effect as if signed by the judge by whom said orders were made.

§ 2. This act to take effect from its passage.

Approved March 7, 1884.

CHAPTER 347.

AN ACT to prevent stock from running at large in Augusta precinct, Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person owning or having care of any stock to permit the same to run at large in Augusta precinct, Bracken county, and any person so offending shall be liable to such penalties as are prescribed and provided for in this act.

§ 2. That it shall be the duty of the constable, city marshal, or sheriff to seize any stock found running at large in said precinct, and impound said stock, and provide for their care and keeping, until the owner of such stock shall have redeemed them by the payment of all fees and costs incident to said procedure.

§ 3. That whenever any stock shall be found trespassing upon the inclosure of any person, the owner of such stock shall be liable for all damages done, and for all fees and costs incident to the prosecution of such trespass, recoverable before any officer having competent jurisdiction; and the party injured shall have a lien upon such stock for all damages, costs, and fees.

§ 4. That the officer shall be entitled to the following fees for taking up stock running at large or trespassing upon the lands of any one: for each horse, jack, mule, or colt over six months old, one dollar; for each bull, cow, steer, heifer, or calf over six months old, fifty cents; for each sheep or hog over three months old, twenty-five cents, and all expenses incurred by him in impounding and taking care of same, provided the owner of said stock is not known to be in immediate pursuit of same.

§ 5. That the officer making the seizure shall advertise all stock seized by him (if not redeemed within five days after the seizure of same) for sale in the precinct, ten days before selling, in the newspaper published in the county having the largest circulation. The sale shall be made on a credit of three months, the purchaser giving bond with approved security, payable to the officer making the sale, who shall be entitled to receive the same commission and fees as are allowed by law for sales under execution for debt; and when the bond shall be collected, he shall pay the residue, after all expenses are paid, to the owner of said stock, and the officer shall be responsible on his official bond.

§ 6. That this act shall be submitted to the qualified voters of Augusta precinct at the next August election, and it shall be the duty of the officers of said election to open a poll, and propound to each voter the question: "Are you for or against the stock law?" and register his vote in accordance with his response to said question. The vote shall be certified and returned, examined and compared, as they are required in other elections; and if it shall appear from the certificate of the examining board that a majority of all those voting for or against voted in favor of the stock

law, the presiding judge of the county court shall cause a record of same to be made by county clerk, if the provisions of this act shall take effect; but if the examining board report to said judge that a majority voted against said stock law, then this act shall not be in force.

§ 7. That it shall be the duty of the sheriff, at least thirty days before the next August election, in at least three public places in the precinct, to post notices that a vote will be taken on the first Monday in August, one thousand eight hundred and eighty-four, for or against the stock law.

§ 8. This act shall take effect on the first day of October, one thousand eight hundred and eighty-four.

Approved March 8, 1884.

CHAPTER 348.

AN ACT to amend an act, entitled "An act to define and locate the termini of the Paris and Winchester Turnpike Road."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two of said act be amended as follows: Strike from said section the words "where said pike intersects the Red River Turnpike Road, at or near," and insert in lieu thereof the following words: "in Main street, in front of the court-house in."

§ 2. This act to take effect from its passage.

Approved March 7, 1884.

CHAPTER 349.

AN ACT to amend and reduce into one the several acts in relation to the charter of the town of Owingsville, Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

Boundary.

§ 1. That the corporate limits of the town of Owingsville, Bath county, shall include all the territory within a boundary of one square mile, having for its center the front

door of the present court-house; the north and south lines of the square to run parallel with Main street.

§ 2. That the said town is hereby laid off into four wards as follows, to-wit: The territory bounded on the north by Main street, on the east by State Avenue, and on the south and west by the town boundary lines, shall constitute the first ward. The territory bounded on the west by said State Avenue, on the north and west by Main street and the macadamized road leading from said street to beginning, and on the east and south by the boundary lines of said town, shall constitute the second ward. The territory bounded on the west by Jefferson street, and a line continuing north on the same bearing to the boundary line of the town, on the south by Main street and said macadamized road to beginning, and the town boundary line on the north, shall constitute the third ward; and the territory bounded on the South by Main street, on the east by Jefferson street, and a line continuing on the same bearing north to the boundary line of said town on the north and west boundary lines, shall constitute the fourth ward.

ARTICLE II.

Officers and Elections.

§ 1. That the prudential, fiscal, corporate, and municipal powers of said town shall be vested in a board of councilmen, to consist of a mayor and four councilmen, to be known and styled "The Council of Owingsville;" which council, and its successors, shall be a body-politic and corporate; and by said name shall be capable of contracting and being contracted with, suing and being sued, and of doing all acts which a body-politic and corporate having perpetual succession can, in the exercise of its powers, lawfully and rightfully do. Said council, under said name and style, is hereby vested with all the claim, title, or interest in, and to all rights of action, assets, and property held by or for the use of the present council of said town.

§ 2. The other officers of said town shall consist of a police judge, marshal, clerk, and attorney, and such policemen as the council may appoint. The clerk shall be *ex officio* treasurer and assessor of the town.

§ 3. The present council and mayor and other officers shall continue in office until the third Saturday in January, one thousand eight hundred and eighty-five, and until their successors shall then be elected and duly qualified. That an election for police judge, mayor, marshal, and councilman shall be held on the third Saturday in January, one thousand eight hundred and eighty-five, and such elections shall be held biennially thereafter on the third Saturday in January. And the officers elected at said biennial elections shall hold their respective offices for two years, or until their successors shall be duly elected and qualified. Each of said wards shall elect separately one councilman. The elections shall be held at the court-house by four judges, one from each ward, a clerk, and the marshal or a policeman of the town.

§ 4. No person shall be eligible to the office of mayor, police judge, marshal, clerk, attorney, or councilman, unless he is a citizen of this Commonwealth, over the age of twenty-one years, and has been a resident of the county one year and of the town sixty days next preceding his election or appointment. No one shall be eligible to the office of attorney unless he has been a practicing lawyer for two years under the laws of this Commonwealth. No person shall be eligible to the office of councilman unless he has been a resident of the ward from which he is elected or appointed for sixty days.

§ 5. No person shall be eligible to vote in said town for the officers thereof, at any of said elections, unless he is a citizen of this Commonwealth, of the age of twenty-one years, and has been a resident of the State two years, or of the county one year, and of the town and ward in which he offers to vote sixty days next preceding the election; nor shall any person be eligible to hold any office of said town, or to vote at any election of said town, unless he has paid his town tax assessed and levied against him for two years preceding the one in which the election is held, and all fines, penalties, and forfeitures adjudged against him due said town.

§ 6. The town clerk and attorney shall be elected by the council biennially.

§ 7. The police judge shall be elected by the voters of said town on the third Saturday in January, one thousand eight hundred and eighty-five, and every two years thereafter, to hold his office for the term of two years, and until his successor shall be duly elected and qualified. Such police judge shall be commissioned by the Governor of this Commonwealth, upon a certificate of his election or appointment being filed with the Secretary of State.

§ 8. The marshal, police judge, and clerk shall, within thirty days after their elections, qualify by executing bonds before the Bath county court, with one or more good securities, for the faithful discharge of the duties of their respective offices, and take in said court the oath required by the Constitution of this State.

§ 9. That if any officer elected or appointed for said town fail to qualify as such for thirty days after their election or appointment, the said office shall be vacant.

§ 10. If no election shall be held for said officers at the time required by this act, it shall be the duty of the Bath county court to fix a day for holding such election, and appoint the officers thereof within three months after the election day fixed by this act.

§ 11. All elections shall be advertised by the clerk of the town for ten days before the election, by publishing the same in some newspaper published in said town, by printed or written notices posted at three or more of the most public places in said town.

§ 12. The officers of said elections, except the marshal, shall be appointed by the council, and in the performance of their duties are to be governed by chapter thirty-three of the General Statutes regulating elections, so far as the same are not inconsistent with this act. The said officers of the election shall cause the poll-books to be returned to the clerk of the town, or, in his absence, to the police judge or mayor, within twenty-four hours after the election is closed.

§ 13. That when two or more candidates for any elective office shall have an equal number of votes for the same office, the election shall be determined by lot by the board required to give certificates of election, in the same manner

as county elections of like character are to be determined by law.

§ 14. The mayor, town clerk, and police judge, or any two of them, shall compose a board to compare the polls, and give certificates of election, who shall meet not later than the second day after the election, count and compare the votes for the several candidates, and deliver certificates of election to the candidates so elected.

§ 15. That the said town elections shall be held between the hours of nine o'clock in the morning and four o'clock in the evening; but the officers of the election may adjourn from time to time during the day, not exceeding two hours at one time.

§ 16. In case of contested elections for any elective officer of the town, the same shall be heard and decided under such rules and by-laws as the council shall prescribe, and from the decision of such contest either party shall have the right of appeal to the Bath circuit court, in the same manner as appeals are prosecuted from the county court on the probate of a will.

§ 17. That any person who votes at any elections held for said town, who is not qualified to vote by this act, or who attempts to exercise the duties of any office to which he is ineligible by this act, shall be guilty of a misdemeanor, and fined in any sum not less than ten dollars and not exceeding one hundred dollars, to be recovered in the police court of said town, or the Bath quarterly court. That article twelve of chapter thirty-three, entitled "Elections, Penalties against Frauds on Elections," and so forth, shall apply to all elections held under this act, except where inconsistent with the same.

§ 18. The officers of the said elections shall provide and take the vote of each ward in a separate poll-book, and for their services shall be paid out of the town treasury the sum of one dollar each.

§ 19. The boarding place shall constitute the place of residence of any person in said town who has no dwelling-house or fixed abode in said town.

ARTICLE III.

§ 1. That every person elected or appointed to an executive, judicial, or other office, under this act, shall, before he enters on the duties of his office, take an oath before some officer authorized to administer an oath to faithfully and impartially, and to the best of his ability, execute the duties of his office, and to be faithful and true to the laws of this Commonwealth, and especially those pertaining to said town.

§ 2. That the marshal shall, before entering on the duties of his office, execute a bond, with good and solvent security, before, and to be approved by, the Bath county court, under the same restrictions and requirements of the law as in case of sheriffs. The clerk of the Bath county court shall file said bonds in his office, and preserve the same among the records of his office.

§ 3. The clerk of said town shall also execute bond, with good and solvent security, before the Bath county court, to the Commonwealth of Kentucky, conditioned that he will well and truly perform his duties under this act, and pay over all money which may come to his hands as treasurer to the person or persons entitled thereto, and in accordance with the orders of the council of Owingsville; said bond shall also be filed by the clerk of the Bath county court in his office, and preserved among the records thereof. All fees of the county court clerk under this act shall be paid out of the town treasury. The town clerk shall pay out no money in his hands as treasurer, except upon the warrant of the mayor in pursuance of the orders of the council; and any balance in his hands at the expiration of his term of office shall be paid over to his successor. He shall receive all moneys belonging to the town, and keep an accurate account of all receipts and expenditures in such manner as the council may direct, which account shall always be open to the inspection of the mayor and councilmen, or any citizen of said town.

§ 4. That the clerk, as assessor, shall perform all the duties which the council may prescribe in relation to the

assessing of property for the purpose of levying the taxes imposed by the council.

§ 5. That the clerk shall keep the corporate seal, if there be one; make and keep a record of all proceedings of the council, at whose meetings it shall be his and the marshal's and attorney's duty to attend; and copies of all papers, duly filed in his office, and transcripts from the records of the proceedings of the council, certified by the town clerk, shall be evidence in all the courts of this Commonwealth.

§ 6. The mayor shall preside over the meetings of the council, and in case of a tie shall have the casting vote. He may call meetings of the council when, in his opinion, the interest of the town demand it, or any three councilmen, or any five voters of said town, in writing, require it; and it shall be his further duty to see that all ordinances, rules, regulations, and by-laws of said town are faithfully executed. The mayor shall have power to perform the duties of police judge in all criminal and penal actions under the general or town laws, when there is a vacancy in the office of police judge, or when the said judge is absent, sick, or unable to attend to the duties of his office from any other cause. He shall have the same fees allowed the judge in such cases, and shall account for all moneys received for fines, as is required of the police judge.

§ 7. The mayor and three councilmen shall constitute a quorum for the transaction of ordinary business; and in case of a vacancy in the office of mayor, or of his being unable to perform his duties by reason of absence from the town or sickness, the council shall appoint one of the councilmen to fill the office *pro tempore*, whose designation shall be acting mayor.

§ 8. The town attorney shall perform all professional services incident to his office, attend the police court, and prosecute all cases therein, and when required, shall furnish written opinions upon subjects submitted to him by the council or its committees. He shall for his services receive the same percentage of the fines and forfeitures in the police court, where he attends and prosecutes to judgment, as is allowed by law to Commonwealth's attorneys in the circuit court.

§ 9 The marshal shall attend all the sessions of the police court held for the trials of criminal and penal cases, and shall give the town attorney previous notice of any proceedings in that court which it is his duty to prosecute or defend. He shall procure evidence in cases affecting the town, and within his county shall have the same power and authority to serve and execute all process, civil, criminal, or penal, that constables now have, and he shall be subject to the same liabilities, together with his securities, in the same manner and to the same extent as constables under the general laws. He shall have the power to appoint deputies not exceeding four, to be approved by the council, and sworn to discharge their duties on court days and other public days, and the marshal shall be responsible for their conduct on his official bond. The marshal shall for his services receive the same fees allowed by law to sheriffs or constables for similar services.

§ 10. That the council of Owingsville, or any person interested, may institute suit on the clerk's, marshal's, or police judge's bond for any money which they shall fail to pay or account for respectively, before the police court or other court of competent jurisdiction, as in actions on constables' bonds under the general law.

§ 11. The mayor and councilmen shall receive an annual salary of fifteen dollars each; the clerk shall receive a salary of twenty-five dollars, and the police judge, in addition to his regular fees, a salary of fifty dollars per annum, to be paid out of the town treasury. The council may decrease or increase said salaries should it see proper to do so.

§ 12. The council may allow to the town attorney and to the town marshal, in addition to their regular fees, such annual salary as the council may fix.

§ 13. All fines or forfeitures collected by the police judge or marshal shall be paid to the town clerk forthwith, deducting the commissions, if any, due the town attorney.

§ 14. That if any person, having been an officer in said town, shall not, within twenty days after notification and request, deliver to his successor in office all the property, papers, and effects of every description in his possession

belonging to said town or appertaining to the office he held, he shall forfeit and pay for the use of said town one hundred dollars, besides costs and damages caused by his neglect or refusal so to deliver, to be recovered before the police court or any court of competent jurisdiction.

ARTICLE IV.

Police Court.

§ 1. That there is hereby established in said town a court styled the Owingsville police court, to be held by the police judge of Owingsville.

§ 2. That said police court shall have exclusive original jurisdiction of all violations of the ordinances and by-laws of said town, and concurrent jurisdiction with the Bath quarterly court in all criminal, penal, and civil cases and proceedings. In all civil actions, where the amount in controversy, exclusive of interest and costs, exceed fifty dollars, the action shall be by petition and summons, but the plaintiff shall pay to the police judge a tax of fifty cents, to be taxed as costs and accounted for by said judge on his official bond to the trustee of the jury fund. He shall hold his courts at the court-house in said town, and for the trials of civil cases shall hold his courts quarterly on such days as he may fix upon in his judgment-book. Notice of the days on which he shall begin his terms for the trial of civil actions, or any alteration thereof, shall be given thirty days before the beginning of the first term in some newspaper published in said town, or by printed or written notices posted in five or more places in said town; but no alteration shall be made so as to make exceeding four terms in any one year. The jailer shall be allowed the same fees for making fires and waiting on the Owingsville police court, at its regular terms for the trial of civil cases, to be paid out of the town treasury, as are allowed by law for like services in the county court. He shall be allowed his regular fees for all services in feeding prisoners placed in the county jail for violations of town ordinances or for a failure to pay fines and costs for such violations, to be paid him by the town. That the jailer shall have, in addition to the above fees, the sum of fifty cents for each fire he shall

be required to make for the police court for the trial of criminal or penal cases, to be paid him by the town.

§ 3. That said police court shall be a court of record, and the judge thereof shall act as clerk of the same, and certified copies of the records of said court, over the signature of the judge, shall be evidence in any court of this Commonwealth. Said police court shall have no appellate jurisdiction, and all judgments of said court in criminal and penal cases, under the general laws, where the fine imposed does not exceed fifteen dollars or the imprisonment ten days, or for any violation of a town ordinance, or in civil cases where the matter in controversy, exclusive of interest and costs, does not exceed twenty dollars, shall be final and conclusive. But in all other cases an appeal may be taken under the provisions of the Civil and Criminal Codes of Practice within sixty days after the rendition of the judgment, which appeal shall be taken directly to the Bath circuit court.

§ 4. That all process issued by the police judge shall be in the name of the Commonwealth of Kentucky. The process in civil cases, or in criminal and penal cases, under the general laws, may be returnable to said police court, or to any magistrate of said county; but in cases pertaining to the violation of a town ordinance, the process must be made returnable to said police court.

§ 5. That all fines, penalties, or forfeitures imposed by, or arising from, cases instituted in said police court, occurring in said town, shall, when collected, be paid into the town treasury.

§ 6. The defendant shall have the right to replevy, for three months, any judgment for any fine or forfeiture in said police court, or any *capias pro fine* or *feri facias*, issued thereon, by giving bond with good security; and a return of *nulla bona* on a *capias pro fine*, or writ of *feri facias* issued on any judgment in the police court, shall authorize an attachment against the property of the defendant to the satisfaction of the judgment.

§ 7. That all persons adjudged to pay fines in the Owingsville police court, who do not pay or replevy the same, shall be forthwith confined in the Bath county jail until the fines

and costs of prosecution assessed against them are discharged, at the rate of one dollar per day for each day's confinement; and all able-bodied male persons, confined in said jail for a failure to pay or replevy fines imposed by said police court, or on a judgment of imprisonment by said court, shall work out said fine and costs and judgment of imprisonment, under the supervision of the marshal, policeman, or other person appointed by the council, on any of the streets, alleys, or public grounds of said town; and such person shall be credited on said fine at the rate of one dollar per day for each day's work, or in case of a judgment of imprisonment, he shall be credited by one dollar for each day's work on the judgment. In all cases where the defendant is committed to jail, the officers to whom costs are due shall be allowed the same out of the town treasury, excepting all those officers who receive a stated salary from the town.

§ 8. That the police judge shall be entitled to the same fees as the judge of the Bath quarterly court, or as the clerk of the circuit court for similar services.

§ 9. That in case of the absence from town, sickness, death, or resignation of the police judge and mayor, or a vacancy in said offices, the presiding judge of the Bath county court, or the nearest justice of the peace of said county, may hold said police court with all the powers of the police judge.

§ 10. That the marshal or policeman shall arrest any person who is drunk and disorderly in said town in the day or night-time, with or without a warrant, and it shall be his duty to place such person in the county jail without a mittimus until such person is duly sober, when he shall bring such person before the police court for trial. Any disorderly person in said town at night shall be arrested by the marshal or policeman, with or without a warrant, and placed in the county jail without a mittimus until next morning, when such person shall be brought before the police court for trial.

§ 11. That any failure of the marshal or policeman to discharge the duties prescribed in the preceding section, shall subject him to a fine of not less than ten nor more than fifty dollars, to be recovered before the police court, in which case the process may be directed to and executed by the sheriff, jailer, or any constable of Bath county.

ARTICLE V.

General Powers and Duties of the Council.

§ 1. That the council shall have stated meetings, and shall have the management and control of the finances, and all property, real, personal, or mixed, owned by the corporation.

§ 2. The council shall have power within the corporate limits by by-laws or ordinances—

First. To restrain and prohibit all descriptions of gambling and fraudulent devices, and all playing with cards or dice, or at all other games of chance, whereat anything of value is bet, won, or lost, and to prohibit and punish all participants in any raffle or lottery.

Second. To prohibit the selling of any spirituous, vinous, or malt liquors by any shop-keeper, hotel, tavern, or inn-keeper, druggist, trader, grocer, merchant, or other person in any shop, hotel, tavern, store, grocery, out-house, yard, garden, or other place within said town, or within one mile of the corporate limits of said town.

Thurd. To prohibit the selling or giving of ardent spirits or other intoxicating liquors to any minor or apprentice without the consent of his or her parent, guardian, master, or mistress, and to prohibit the sale or giving of such liquors to inebriates or habitual drunkards.

Fourth. To license and regulate shop-keepers, coffee-house keepers, hotel, tavern, and inn-keepers, druggists, traders, grocers, and keepers of ordinaries or victualing or other houses or places for the selling of wines and other liquors, whether ardent, vinous, or fermented, and to restrain all such persons from selling without license.

Fifth. To license, tax, regulate, suppress, and prohibit billiard tables, pigeon-hole, Jenny Lind, and all similar ta-

bles, pin-alleys, nine or ten-pin alleys, ball-alleys and shooting galleries.

Sixth. To tax, license, regulate auctioneers, distillers, brewers, and pawnbrokers, and tax or levy duties on the sale of goods at auction.

Seventh. To license, tax, and regulate hawkers and peddlers, and all vendors of medicines or other goods, wares, or merchandise, whether at auction or otherwise.

Eighth. To regulate, license, suppress, and prohibit all exhibitions of common showmen, shows of every kind by itinerant and all other persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements.

Ninth. To authorize the town clerk to grant and issue all license to retail spirituous, vinous, or malt liquors, and direct the manner and time of issuing and registering thereof, and all the fees to be paid therefor. But the council shall not grant a license to vend spirituous, vinous, or malt liquors, unless the person so applying therefor shall produce the receipt of the Bath county clerk, showing that such person so applying has procured State license therefor, and paid the State tax therefor.

Tenth. No license shall be granted for more than one year, and not less than two dollars and fifty cents shall be required to be paid for any license under this act; and the clerk's fee for issuing the same shall not exceed fifty cents.

Eleventh. All license shall be subject to revocation by the council on the repayment of the *pro rata* amount of the license fee or tax for the unexpired part of the year or time the license was to run.

Twelfth. No license to vend spirituous, vinous, or malt liquors granted by the council shall have any validity or effect until it shall be attested by the town clerk, and no such license shall authorize any person to sell such liquors under it on Sunday, any legal or primary election day, or on the day of any circus in said town, and the council shall have power to suspend the same on any day it may deem proper.

Thirteenth. To prohibit and punish the giving to any person, by a licensed dealer, any spirituous, vinous, or malt liquor, on any legal or primary election day in said town. No license shall be granted to retail such liquors to any person outside of the corporate limits of said town.

Fourteenth. To prevent and suppress any riot, rout, breach of the peace, noise, or disturbance, or disorderly assemblage.

Fifteenth. To suppress and restrain disorderly houses, and groceries, and houses of ill fame.

Sixteenth. To establish and regulate markets and other public buildings, and provide for the erection and determine their location, and make crossings across streets.

Seventeenth. To regulate, license, or prohibit butchers, and to revoke their license.

Eighteenth. To regulate the keeping and conveying gunpowder and other combustible and dangerous materials.

Nineteenth. To prevent horse-racing, immoderate riding or driving in the streets, and to authorize persons so riding or driving to be stopped by any person, and to compel persons to fasten their horses, mules, oxen, or other animals attached to vehicles, or otherwise, while standing or remaining in the streets.

Twentieth. To prevent the encumbering the streets, sidewalks, lanes, alleys and public grounds with carriages, wagons, carts, sleighs, sleds, wheelbarrows, boxes, barrels, lumber, timber, firewood, coal, brick, stone, post-awnings, signs, or any substance or material whatever.

Twenty-first. To prevent any obscene, indecent, or profane exhibition or conduct.

Twenty-second. To restrain and punish vagrants and prostitutes.

Twenty-third. To restrain, regulate, or prohibit the running at large of horses and swine, or other domestic animals, and authorize the distraining, impounding, and sale of the same for the penalty incurred and the cost of the proceedings, and also to impose penalties on the owners of such animals for a violation of any by-law or ordinance in relation thereto.

Twenty-fourth. To prevent and regulate the running at large of dogs, and to authorize the destruction of the same when at large contrary to the by-laws or ordinances.

Twenty-fifth. To prevent and regulate the playing of ball, flying of kites, shooting of fire-arms, any kind of fire-works, or any other amusement or practice having a tendency to annoy persons passing on the streets or sidewalks or to frighten teams and horses.

Twenty-sixth. To make regulations to prevent the introduction of contagious disease into said town.

Twenty-seventh. To have exclusive power over the streets and alleys and sidewalks, and remove and abate any obstructions and encroachments therein or thereon.

Twenty-eighth. To abate and remove nuisances, and punish the authors thereof, by penalties of fine and imprisonment; and to define and declare what shall be deemed nuisances, and authorize the summary abatement thereof.

Twenty-ninth. To appoint policemen, watchmen, and prescribe their duties, power, term of office, and pay.

Thirtieth. To provide the town with water in any manner they may deem proper, and to establish, make, and regulate public pumps, wells, and cisterns.

Thirty-first. To inspect chimneys, flues, and stove-pipes in all buildings, and have them removed or repaired at the owner's expense, when the public safety requires it.

Thirty-second. To do all acts and make all regulations which may be necessary or expedient for the preservation of the health and the suppression of disease.

Thirty-third. To grant any turnpike road company the right to construct and build a turnpike road or roads on the public roads or avenues within said town, or to contract with any turnpike company, on such terms and conditions as may be agreed upon; to use any macadamized road or street in said town, except Main street, as a part of the road of such company, or to repair or extend the same as such.

Thirty-fourth. To make, publish, ordain, amend, and repeal all such ordinances, by-laws, and police regulations, not contrary to the Constitution of this State or of the

United States, for the good government and order of said town, and the trade and commerce thereof, as may be necessary or expedient to carry into effect the powers vested in the council or any officer of said town by this act, and enforce observance of all rules, regulations, by-laws, and ordinances made in pursuance of this act, by penalties not exceeding in any case one hundred dollars fine and thirty days imprisonment for any offense against the same. In all cases where the fine may exceed sixteen dollars or the imprisonment five days, the defendant may demand and shall be entitled to a jury before the police court.

Thirty-fifth. To provide for the use of said town a fire engine, organize a fire company, and make necessary regulations for the prevention of damage by fire.

Thirty-sixth. To prohibit and punish insurance agents doing business in said town from entering into combinations to fix minimum rates of insurance on property in said town for the purpose of preventing competition.

Thirty-seventh. That the amount to be paid for a license to keep a coffee-house or saloon or other house to sell ardent spirits by the drink or otherwise in said town for one year, shall not be less than one hundred nor more than two hundred and fifty dollars.

Thirty-eight. That the council shall have the power and authority to appoint a suitable person to collect the town taxes and fix the compensation of said collector, which shall not exceed ten per cent. on the amount collected and paid over, and to require said collector to execute bond for the faithful performance of his duties, with good security, conditioned to pay over all money which may come to his hands due to the council or town.

Thirty-ninth. To grade and macadamize the streets, alleys, and avenues of said town.

Fortieth. That every ordinance or by-law or regulation imposing any penalty, fine, or imprisonment, or forfeiture for its violation, shall, after its passage, before taking effect, be published one week in some newspaper published in said town, or by posting printed or written notice thereof in three or more public places in said town.

Forty first. The chapter on "Towns" of the General Statutes, so far as the same is consistent with this act, shall apply to said town.

ARTICLE VI.

Taxation.

§ 1. That all dwelling-houses, store-houses, warehouses, hotels, shops, offices, stables, barns, cribs, or other buildings adjacent to either, together with any inclosed lot or lots upon which any such improvements may be situated, and all vacant lots of land now or which shall hereafter be laid off for the purpose of erecting any such buildings upon, including all yards, gardens, stable lots, orchards, and vineyards, shall be subject to taxation for town purposes in said town, except such property as is exempt by the third section of this article.

§ 2. That all personal or mixed property owned by the citizens of said town, including money, notes, and choses in action, whether situate in or out of said town, and all personal or mixed property located in said town owned by persons not citizens of said town, subject to state taxation, and all stock, capital, or money invested in any bank, shall also be subject to taxation for town purposes.

§ 3. That there shall be exempt from taxation under this act for town purposes all property belonging to and owned by said town, Bath county, the State of Kentucky, the United States, any church, seminary, college or public school, and all grounds attached thereto dedicated solely to the uses thereof, and also all pasture or agricultural lands. But in case any road or street fronting or running through pasture or agricultural lands is graded or macadamized by the council, then such lands, to the depth of three hundred feet from and fronting upon said road or street so graded or macadamized, shall be listed and taxed as other taxable property in said town, to aid in the payment of the expense incurred by such grading or macadamizing.

§ 4. The taxable property of said town shall be assessed at its market value in currency, on or after the first day of May in each year. The council may correct and revise the

assessment in such manner as shall do justice and secure equality to all as far as possible, giving ten days public notice of the time of such revision.

§ 5. That in lieu of a town poll-tax, the council shall have power to require, and it is hereby made the duty of every able-bodied male inhabitant of said town over sixteen and under fifty years of age, except ministers of the gospel, to labor two days in each year upon the streets or alleys of said town, under the supervision and direction of the marshal, policeman, or a street commissioner, to be appointed by the council, and furnish such tools as may be required, on two days verbal notice by the marshal, policeman, or commissioner. But every such person may, at his option, instead of laboring, pay into the treasury of said town at the rate of one dollar per day for each day he may be required to work, provided such payment be made before the first day of labor is required. But all persons over fifty years of age in said town, not exempted by the council, shall pay a poll-tax of two dollars per annum as long as such improvements is required by the council. In default of payment or labor as aforesaid, the sum of four dollars and costs of suit before the police court shall be recovered by the council against each person in default, unless excused by the council. Any and all persons who are required to labor shall be exempt from working on any road in the county outside of the corporate limits as designated by this act.

§ 6. The council is hereby empowered and authorized to collect annually a tax of not less than ten nor more than fifty cents on each hundred dollars' worth of taxable property of said town, after the year one thousand eight hundred and eighty-three, for town purposes.

§ 7. That the council may, instead of adopting the labor and street poll-tax plan, as provided for in section five of this article, levy and collect a poll-tax not exceeding two dollars on each male person residing in said town over the age of sixteen years.

§ 8. For any tax levied under this act there shall exist a lien in favor of the council upon all the property of the tax-payers until the same is paid; and in case the owner of

any taxable property shall fail to pay his or her taxes, on or before the first day of October in each year, it shall be the duty of the town marshal, or the collector of taxes, to sell for cash in hand, at the court-house door in said town, after ten days' advertisement in some newspaper published in said town, or by written or printed advertisements posted in three or more public places in said town, one of which shall be at the court-house door, on some county court day thereafter, so much of the real, personal, or mixed property of the person so in default as will pay off and discharge the taxes of such defaulter due the town, and ten per centum damages thereon for the marshal or collector, besides expenses of sale, and which shall vest the purchaser with the title and right to hold the same; and personal or mixed property so sold shall be delivered at once to the purchaser: *Provided, however,* That the owner of the real estate so sold may, within one year from the date of sale, redeem the same by paying to the purchaser thereof, or to the town clerk for said purchaser, the purchase money and twenty per cent. thereon; but if said real estate so sold is not redeemed as hereinbefore set forth within one year, the council shall cause the mayor to convey by deed to the purchaser, or his assignee, the estate so purchased, under his own hand and official title; and said deed shall vest the full fee-simple title in the purchaser, who, to obtain possession, shall be entitled to the same remedies as are prescribed by law in cases of a purchase under a sheriff's deed; said sale shall be made under the direction of the council after the delinquent has failed to comply with this act and such regulations as may be made under it.

§ 9. The council of said town shall have power to require the owners of real estate in said town to repair and keep in repair the sidewalks in said town in front of or binding on their real estate in said town; and if the owner of any real estate in said town shall fail to repair the sidewalks in front of or binding on their real estate in said town for forty days after the owner or occupant of said real estate shall have been notified by the council, then the council shall have power to cause said sidewalks to be made and repaired as

aforesaid at their own expense, and may sue the owner of the property whose duty it was to repair and keep the same in repair, and recover the amount so expended by them in repairing the same, and ten per cent. thereon and cost of suit, in any court of competent jurisdiction, and they may have all the remedies to recover the same that any other creditor has to recover and coerce all debts due him ; and in all cases under this section the police judge shall have full jurisdiction.

ARTICLE VII.

§ 1. That every person who is granted a license to retail spirituous, vinous, or malt liquors in said town, before presuming to sell, and before such license shall be in force, shall go before the Bath county court, and, together with one or more good and solvent securities, to be approved by said court, execute a covenant to the Commonwealth of Kentucky, conditioned that he will not sell or give to any person spirituous, vinous, or malt liquors, or any mixture thereof, contrary to the provisions of this act or any by-law or ordinance of said town concerning the sale or gift of such liquors made in pursuance of this act, and that he will pay all damages to any husband, wife, child, parent, guardian, employer, or other person who shall be injured in person, property, or means of support by any intoxicated person, or in consequence of any intoxication, habitual or otherwise, of any person whose intoxication shall have been caused by selling or giving such liquors by the principal in such bond or his agents or employes.

§ 2. That any person or persons who shall be injured in person or property or means of support, or sustain any damages in consequence of a violation of said bond, may have a cause of action thereon in any court of competent jurisdiction.

§ 3. That all former acts relating to said town are hereby repealed.

§ 4. That this act shall take effect from its passage.

Approved March 7, 1884.

CHAPTER 351.

AN ACT to incorporate the Louisville School of Pharmacy for Women.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thos. U. Dudley, James P. Boyce, E. T. Perkins, J. W. Edwards, E. A. Grant, Charles Godshaw, Robert Cochran, G. H. Cochran, Samuel L. Avery, W. N. Halderman, Nicholas Finzer, and their associates, successors, and assigns, are hereby made a body-corporate, with perpetual succession, under the name of the Louisville School of Pharmacy for Women; and in and by that name are made capable in law to acquire, by bequest or otherwise, to hold, occupy, possess, and enjoy all such real estate, goods and chattels, as may be necessary for the purposes and uses of said corporation; and to buy, sell, and convey the same in the manner provided for in its by-laws; and to sue and be sued, contract and be contracted with, defend and be defended, in all courts and places; may have and use a common seal, and the same break, alter, and renew at pleasure; and to ordain, establish, and put in execution such by-laws, not contrary to the laws of the Commonwealth, as may be necessary for the government of said corporation.

§ 2. The business of said corporation shall be the dissemination of a knowledge of pharmacy and kindred branches, by means of public lectures, laboratory instruction, and such other means as the board of regents shall deem best fitted to accomplish this purpose.

§ 3. The property, business, and affairs of said school shall be under the management of the board of regents, all of whom shall be members of this corporation, one of whom shall be elected president, another secretary, and another treasurer, whose separate duties shall be prescribed by the by-laws.

§ 4. The first board of regents shall be elected on the first Monday in April, one thousand eight hundred and eighty-four, or as soon thereafter as a majority of the incorporators named in section one of this act shall determine; and shall serve until their successors shall be elected and shall qualify; and on the first Monday in March there-

after there shall be an election of regents by the members of the corporation, who shall serve until their successors are duly elected and qualified; but a failure to so elect, or a failure to so qualify, shall in nowise work a failure to this corporation of the rights, privileges, and immunities herein granted it. Notice of the time and place of holding the election shall be given in some public manner to be prescribed by the by-laws. Any three of the persons named in section first of this act may hold and certify to the election of the first board of regents. Vacancies shall be filled by the board. Four members of this board shall be a quorum to transact business.

§ 5. This corporation shall have power to erect, purchase, or lease suitable buildings, or parts of buildings, for its accommodation and use; and to establish and appoint a learned body or faculty to give instruction in pharmacy, materia medica, chemistry, and kindred subjects, whose members shall be styled professors, who shall be elected by the board of regents, and may be removed by them.

§ 6. This board shall have power to grant certificates of proficiency and diplomas to its own students who have attended courses of lectures extending over a period of not less than two years, the last of which shall be in this school, and shall pass a satisfactory examination before the faculty; and to grant such other degrees in pharmacy, chemistry, and kindred branches of science, as the board of regents may determine; and to do all things necessary to the existence and welfare of said corporation, not inconsistent with the laws of this State or the provisions of this charter.

§ 7. It shall be lawful for any person holding a certificate of proficiency, or a diploma, from this school, to practice the profession or art of pharmacy, and to keep open shop for the sale of drugs, medicines, and poisons, and for the compounding of physicians' prescriptions, and to act as an aid or assistant to any druggist, pharmacist, or other person keeping open shop for the sale of drugs, medicines, and poisons, and for the compounding of physicians' prescriptions.

§ 8. This corporation may have a capital stock not exceeding one hundred thousand dollars in amount, which shall be

divided into shares of twenty-five dollars each, and shall be fully paid up; and certificates of which, signed by the president and secretary of the board of regents, shall be issued to those persons who subscribe and pay for them.

§ 9. If stock shall be issued and sold, the board of regents shall be elected by the stockholders of the corporation at the times hereinbefore prescribed, each share of stock being entitled to one vote.

§ 10. Should this corporation be dissolved without having sold and issued certificates of stock, the funds and property, after its debts and obligations are fully discharged, shall be paid into the treasury of the State of Kentucky for the benefit of the common school fund.

§ 11. This act shall take effect from and after its passage.

Approved March 8, 1884.

CHAPTER 352.

AN ACT to amend an act, entitled "An act to amend and revise the charter of Millersburg, Bourbon county," approved February twenty-third, one thousand eight hundred and seventy four.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act amending and revising the charter of Millersburg, Bourbon county, approved February twenty-third, one thousand eight hundred and seventy-four, be, and the same is hereby, so amended, that the petition of the board of trustees, which they are empowered to file in the Bourbon circuit court, as provided in paragraph twelve (12) of said act, relative to opening streets, may be filed either in the Bourbon circuit court or in the Bourbon county court, and the writ of *ad quod damnum* which shall be awarded by the court in which the petition is filed, may be directed either to the marshal of the town or to the sheriff of Bourbon county.

§ 2. Said writ shall command the officer to whom it is directed to summon and empanel a jury of the county, and not residents of the town, to meet on the land over which any street, lane, or alley is proposed to be extended, or over which same is intended to pass, at a time to be specified in the writ.

§ 3. The jury, after being sworn by the officer to whom the writ is directed, or any justice of the peace of the county, shall view the land proposed to be taken, and ascertain what will be a just compensation to the owners for said land so proposed to be taken ; but they shall deduct from such damages the value, if any, of the advantages and benefits that will accrue to the adjacent property from the opening of a street, lane, or alley through or across the same.

§ 4. The inquest of the jury fixing or assessing the damages shall be in writing, and signed by the foreman of the jury, such foreman to be appointed by the officer to whom the writ is directed; said inquest shall be sufficient if it fix the aggregate amount of damage to be paid by the town, and it shall be unnecessary to state the grounds upon which it is based. When said inquest has been signed by the foreman of the jury, it shall be returned by the officer to whom the writ of *ad quod damnum* was directed, to the office of the clerk of the court from which said writ issued.

§ 5. The parties shall be allowed until the first day of the next regular term of the court, after the filing of the inquest, to file exceptions to the same, and the court shall hear and determine all questions of law or fact raised by such exceptions, and if the court shall be satisfied, after hearing the evidence, that the damages fixed by the jury are too great or too small, he shall set aside the inquest of the jury and award another writ of *ad quod damnum*; but if no exceptions be filed within the time specified, or the court shall be satisfied, after hearing the exceptions, that the damages assessed by the jury are fair and adequate, upon payment by the town of the aggregate amount of said damages and such costs as the court may direct, the street, lane, or alley shall be opened or extended as prayed for in the petition.

§ 6. If, from any cause, a jury cannot be obtained on the day specified in the writ, or if one shall be sworn and disagree or be discharged, the officer shall execute the writ on such other day as he may appoint, notice thereof being given to the parties or their attorneys.

§ 7. An appeal may be taken by any of the parties from the county court to the circuit court within thirty days from the rendering of the judgment.

§ 8. This act shall take effect from its passage.

Approved March 8, 1884.

CHAPTER 353.

AN ACT to authorize Martin Preston and Company to keep a boom across the mouth of Paint creek, in Johnson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Martin Preston, John D. Preston, Montervill Preston, and Frank Preston, and their assigns and heirs and survivors, are authorized to erect and keep a boom in and across the mouth of Paint creek, in Johnson county, for the purpose of catching and securing such loose saw-logs and staves as may come against said boom; and they are authorized to charge the owners of the logs ten cents per log for catching and holding the same, and shall charge twenty cents per thousand for catching and holding the staves.

§ 2. The incorporators shall have a lien on the logs or staves for the charges.

§ 3. When it becomes necessary to open said boom, if any of the owners of the logs should not be present and able to take care of their logs or staves, then the owners of the boom shall raft said loose logs and take care of said staves as they may think best, and charge twenty-five cents for rafting said logs, and a reasonable compensation for taking care of said rafts and staves; and they shall have a lien on the logs for rafting and taking care of same, and on said staves for taking care of same, as is given herein for catching.

§ 4. *Provided*, The keepers of said boom shall use reasonable diligence in holding said boom, but shall not be responsible for unavoidable accidents.

§ 5. If after logs have been caught and rafted as provided above, and the owners fails for thirty days from time of rafting to pay charges on his logs or staves, then the incor-

porators are authorized to advertise said property for sale, giving notice for ten days; and the proceeds of said sale, after paying charges and expenses of sale, shall be delivered to the county clerk therein, to remain for six months, unless claimed by the owners; and if the owners fail or refuse to claim said residue for the above specified time, the same shall be applied to the common school fund in said county.

§ 6. This act shall take effect from and after its passage, and shall be in full force and effect for two years after its passage.

Approved March 8, 1884.

CHAPTER 355.

AN ACT for the purpose of funding the debt of Simpson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the presiding judge of the Simpson county court, during any regular or called term of said court, be, and he is hereby, authorized, empowered, and required to issue the bonds of Simpson county to any amount, not exceeding twenty-five thousand dollars, to provide means to pay the outstanding debt of said county, including the debt and interest thereon heretofore created for the purpose of building, fencing, and furnishing the new court house; said action to be by order of the court, duly entered upon the proper record-book of said court.

§ 2. That the county judge shall determine the denomination of said bonds in the order made for the issual of the same; and said bonds, and the interest thereon, shall be made payable at the banking-house of J. A. McGoodwin and Company, in Franklin, Kentucky, the interest to be made payable semi-annually.

§ 3. That said bonds shall mature in ten years from the date of their issual, and bear interest at the rate of six per cent per annum, payable semi-annually, as directed by the order of said court for the issual thereof; but twelve thousand five hundred dollars of said bonds shall be redeemable, in whole or in part, at any time subsequent to twelve months

after their issual, and the remainder of said bonds shall be redeemable, in whole or in part, at any time subsequent to five years after the issual thereof: *Provided*, That no bondholder of either class shall be required to receive less than the amount of any one bond, and the accrued interest thereon: *And provided further*, That none of said bonds of either class shall be so redeemable unless the fact is so stated on the face of the bonds.

§ 4. That said bonds shall have interest coupons attached, and the bonds shall signed by the presiding judge of the Simpson county court, attested by the clerk of said court, and stamped with the seal of the county. The coupons shall be signed by the said clerk alone. The presiding judge to prescribe the forms of the bonds and coupons.

§ 5. That after the issual of said bonds, enough thereof shall be appropriated at par value to J. L. McGoodwin and Company, for the purpose of paying off or redeeming the certificates heretofore issued by the county court to said J. L. McGoodwin and Company, together with the interest thereon, and the remainder of said bonds shall be sold, and the proceeds applied in paying off any outstanding indebtedness of the county under the direction of the county court.

§ 6. That the said court shall have power to designate any suitable person they may choose to superintend and control the bonds, sell and dispose of them as hereinbefore directed; receive any money obtained therein; hold and disburse the same under the order of the court; receive the funds provided for the redemption of said bonds, and so apply it, and whenever required, make a report of his acts and doings to the court. The court shall require the person so designated and appointed to give bond with good security for the safe-keeping of said money, and the faithful discharge of all his duties in relation to said bonds; and for the services herein required he shall receive such compensation as the court may allow.

§ 7. That it shall be the duty of the county court of said county, a majority of the justices in commission being present, and a majority of those present concurring, to

make provision for the payment of the principal and interest of said bonds by annually levying and causing to be collected such taxes under existing laws and this act as may be necessary for that purpose, and for the payment of a reasonable compensation for the collection of said taxes.

§ 8. That the county judge and county clerk shall receive such compensation for their services in issuing and signing said bonds as the court may allow; but neither the State nor county shall receive any tax for the use of the seal as herein required.

§ 9. Said county court shall annually appoint a collector of said taxes, giving preference to the sheriff, who shall execute bond as herein provided for; and said collector shall give bond, with one or more sureties, to be approved by the court, for the faithful discharge of his duties under this act; and said tax shall be levied on the same property in said county as is liable for the payment of taxes for State revenue. It shall be the duty of said collector to collect said taxes and pay the same to the person whose appointment is herein provided for, at such time as said county court may order.

§ 10. This act shall be in force from and after its passage.

Approved March 8, 1884.

CHAPTER 356.

AN ACT for the benefit of colored common school district, number one, of Fleming county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all fines and forfeitures imposed by the courts of the city of Flemingsburg, as well as the fines and forfeitures imposed and collected by the Fleming county and quarterly court, in all prosecutions against a negro or a citizen of African descent, or a mulatto, shall be paid to the chairman of the board of trustees for said school district, to be used for the purpose of defraying the expenses of said school district.

§ 2. That it shall be the duty of the presiding judge of the courts herein mentioned to enforce the provisions of this act, and on failure to enforce it, shall pay a penalty of five dollars for each fine or forfeiture collected and not paid to the chairman of the said school district, to be recovered by warrant in the name of the Commonwealth, in any magistrate's court or court of similar jurisdiction. All penalties recovered under this section shall be paid to the chairman of the board of trustees of said district for the purposes indicated in the first section of this act; and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect and be in force from its passage.

Approved March 8, 1884.

CHAPTER 357.

AN ACT to amend an act, entitled "An act to incorporate the Maysville Street Railroad and Transfer Company," approved January twenty-first, one thousand eight hundred and sixty-eight.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said company is hereby authorized to extend its line of road from its present eastern terminus, or any suitable point on its line, to the grounds of the "Maysville Agricultural and Mechanical Association," and over and upon the same as far as or near the grand stand of said association; and shall have power to acquire the right of way as now provided by law in such cases, with the right to contract, maintain, and operate said extension under its present charter.

§ 2. That said company may also, by contract with any other railroad company, acquire the right to use and occupy the line of road and track of such railroad company, with cars and rolling stock of this company, to a point at or near the grand stand upon the grounds of said agricultural association named in section one, and to operate same under its charter.

§ 3. That the drivers, conductors, superintendent, and road managers of said street railroad company, shall be, and they are hereby, invested with powers and authority of peace officers, for the purpose of preserving the peace and good order upon the cars, and upon and about the property of the company; and as such are empowered and authorized to arrest all drunken and disorderly persons upon the cars, grounds, or property of said company; and to eject or remove all drunken or disorderly passengers or persons from the cars, grounds, or property of said company: *Provided*, That when any arrests are made by virtue of such authority, the offender shall be taken immediately before the most convenient magistrate to be dealt with according to law.

§ 4. That section five of an act to incorporate the Maysville Street Railroad and Transfer Company, approved January twenty-first, one thousand eight hundred and sixty-eight, be, and the same is hereby, repealed and stricken from said act, and the following is enacted and inserted in lieu thereof, viz: The stock of said company shall be deemed personal property, and may be transferred on the books of the company according to its by-laws; and books for the subscription of stock not already taken may be opened at any time, or from time to time, by a vote at any regular or called meeting of stockholders holding a majority of the capital stock issued at the time of such vote; and any number of shares not exceeding in the aggregate the maximum capital authorized by this charter, may be subscribed for and taken, by such persons, in such manner, and on such terms, as may be prescribed by said vote. And the board of directors of the company, when previously authorized by such vote of the majority in interest of the stockholders, may issue and sell, from time to time, shares of the capital stock not before subscribed for and taken, or any shares owned or held by the company, at such price, more or less than the par value thereof, and on such terms as may be authorized by such vote; and by such vote may issue new stock, not exceeding the maximum capital authorized by the charter, and exchange same for the shares of stock already issued

and held, by consent of the holders thereof, and at such rates of exchange as may be prescribed by the vote.

§ 5. This act shall take effect from its passage.

Approved March 8, 1884.

CHAPTER 358.

AN ACT to incorporate the Penrod Railway and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That T. H. McMichael, O. M. Dunn, A. D. James, C. W. Courts, H. C. Gans, A. J. Kellar, and R. S. Bevier, be, and they are hereby, appointed commissioners, under the direction of whom, or a majority of whom, subscriptions may be received to the capital stock of the Penrod Railway and Mining Company, hereby incorporated.

§ 2. That the capital stock of said Penrod Railway and Mining Company shall be fifty thousand dollars, in shares of one hundred dollars each, which, however, may be increased by a vote of two-thirds of the stock at any regular meeting, or at a meeting called for that purpose, by the holders of one-third of the stock, or by the president.

§ 3. That so soon as two hundred and fifty shares of said capital stock shall be subscribed, or more, and fifty shares or more paid up, any two of said commissioners may, by written or printed notice to each of the stockholders, call a meeting of such stockholders, at any designated place in Owensboro, Kentucky, and if a majority of said stock is not represented therein, those assembled may adjourn said meeting from day to day until said majority may be represented.

§ 4. At said meeting they may elect the officers hereafter mentioned, and transact other business, and the said stockholders shall be, and they are hereby, declared to be incorporated into a company by the name of the Penrod Railway and Mining Company; and by that name shall be capable of purchasing, holding, leasing, selling, and conveying real estate and personal property, so far as the same may be necessary, or deemed necessary by said company, to carry out the purposes of their incorporation; and shall have

perpetual succession, with power to sue and be sued; to have and use a common seal, and to have, enjoy, and exercise all the powers, rights, and privileges which other corporate bodies may lawfully do, and which are granted herein.

§ 5. That at such meeting a board of seven directors shall be elected by a majority of the stock, each share being entitled to one vote, and may be voted by the stockholder in person or by written proxy filed with the secretary. Said directors must be stockholders, and the succession shall be continued by an annual election of a directory, to be held annually on the corresponding day of organization of each succeeding year. If, from any reason, an election is not held at the time mentioned, then the president, or one-third in value of the stockholders, may call a meeting, by ten days written or printed notice to each stockholder, and called meetings may be had at any time in the same manner.

§ 6. That the officers of said company shall consist of a president, secretary, treasurer, and superintendent, to be elected by the directory each year immediately on its organization, and such other officers as may be necessary, to be appointed by the president. The offices of secretary and treasurer may be held by one person, and the president and treasurer must be stockholders.

§ 7. That the said Penrod Railway and Mining Company is hereby vested with all powers and rights that may be necessary to construct a railway from Penrod to any point on Muddy river, in Muhlenburg county; the route to be selected and determined not exceeding sixty feet in width, with as many sets of tracks, sidings, and switches as it shall deem necessary; and may enter upon, use, and excavate any land that may be needed for said road, and may build bridges and construct tunnels, and may do all things lawful that may be necessary to carry out the objects and purposes of this incorporation. The said company is also hereby vested with the power and privilege of buying, leasing, and holding mineral lands, and of carrying on a general mining business in coal, iron, and other minerals, not only on the line of their said railway but elsewhere; and may construct switches or branches to connect any of its mines or mining property

with its said railway, or with the Owensboro and Nashville Railway, or with Muddy, Green, or Barren rivers, and may condemn and use land therefor the same as for its main line in the manner hereafter specified; and may also construct all such tramways, chutes, tipples, and other structures and works as may be useful or necessary in carrying out the objects of this charter.

§ 8. The amount of the bonded indebtedness of the said company shall not exceed the sum of fifteen thousand dollars per mile of railway constructed, or in course of construction or preparation for construction, with the added value of the lands or leases then held by the company, and which may be mortgaged to secure said bonded indebtedness. And the said company is hereby authorized and empowered, by a vote of two thirds of its stock in value, to make and execute a first mortgage, and such other mortgages as it may deem best, through its president and board of directors, and to issue bonds thereon upon its entire or any portion of its railway or its projected railway, and upon its other rights, franchises, and properties, and upon its mining lands, mineral rights, leases, privileges, and property of all and every kind and description, not to exceed in amount as aforesaid the sum of fifteen thousand dollars per mile on its completed or projected railway, and the added value of its lands and leases; the bonds of such denomination maturing at such time, and bearing such rate of interest as its board may determine, who are hereby empowered to arrange and determine all the details of the placing, issue, and sale of said mortgage and bonds.

§ 9. That said company shall have power to condemn any and all lands necessary for its right of way, construction, maintenance, and repair of its said roads, mines, and easements, subject to, and in accordance with, an act, entitled "An act to prescribe the mode of condemning land for the use of railroad and turnpike companies," approved April eleventh, one thousand eight hundred and eighty-two.

§ 10. That before entering upon the discharge of their duties the president, directors, and treasurer shall be sworn to faithfully and truly discharge the duties of their respect-

ive offices to the best of their ability and judgment, and the treasurer may be required by the directory to give bond in such sum as they may fix, binding him to a faithful discharge of his duties, and a true and just account and return of all moneys and properties that may come into his hands, or that may be disbursed by him, or that he should in any way become or should be liable for. This bond, with good surety, must be approved by the directory.

§ 11. That the Penrod Railway and Mining Company shall have the right, and the power is hereby vested in it, to sell or lease its said railway and property of all kinds, or to join in articles of consolidation, and to consolidate or unite with any other railway or mining company upon such terms as may be mutually agreed upon; and the said consolidated company shall have all the rights and privileges which may have legally appertained to either before said consolidation.

§ 12. That the private property of the stockholders of the corporation hereby formed shall be exempt from liability for the corporate debts or obligations of any and every description.

§ 13. That the amount of bonded or floating indebtedness shall not be enlarged, nor any sale, lease, or consolidation effected, until after the same has been approved and authorized by a vote of two-thirds of all the stock, and for these or any similar purposes a stockholders' meeting may be convened at any time on ten days written or printed notice given by the president or by stockholders holding one third of the stock.

§ 14. That this act shall take effect from and after its passage.

Approved March 10, 1884..

CHAPTER 359.

AN ACT to incorporate the Covington and Latonia Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. F. Abbott, A. D. Bullock, John A. Williamson, J. G. Isham, Henry Hanna, and W. A. Goodman,

or those of them who shall act, their associates, successors, or assigns, be, and they are hereby, created a body-corporate, with perpetual succession, under the name and style of the Covington and Latonia Railroad Company; and in such name to have full power to contract and be contracted with, sue and be sued, construct, operate, and manage a railroad, and purchase, hold, and dispose of real estate as herein provided.

§ 2. Said company shall have a capital stock of fifty thousand dollars, which may be increased at any time by the stockholders, divided into shares of one hundred dollars each.

§ 3. The business of said corporation shall be the construction, operation, and management of a railroad between Covington and the Latonia race-course, near South Covington, in Kenton county, over such lands, streets, roads, and highways as the board of directors of said corporation may designate; and if the right of way and necessary changes of grade cannot be obtained by agreement with the individuals, companies, or corporations owning or controlling said lands, streets, roads, and highways, full power to make such agreement being hereby granted, the said corporation may proceed, under a writ of *ad quod damnum*, to condemn the same according to law. Said corporation shall also have the power to purchase, hold, lease, mortgage, sell, and convey real estate, and improve the same at pleasure; and it may borrow money, and execute the notes or bonds of the company, and sell or dispose of the same when deemed advisable, for the use and benefit of the company; and to secure the payment thereof, or of any indebtedness of the company, it may mortgage or pledge the whole or any part of the property, income, and franchises of the company.

§ 4. Authority is hereby given to the company to cross the tracks of any other company, and to connect with and use the same, when necessary for the construction and operation of the road authorized by this act, by paying a fair compensation for such use. In the event a mutual agree-

ment cannot be effected with such other company for such use, the same may be condemned according to law.

§ 5. The board of directors shall consist of not less than three nor more than six, as shall be determined, from time to time, by the by-laws that may be ordained by the board of directors, which shall also prescribe the time, manner, and place of election of directors. Each share of stock shall entitle the holder to one vote, either in person or by proxy in writing, and the persons having the highest number of votes shall be declared elected.

§ 6. The corporators in the first section mentioned, their successors or assigns, shall organize said company, and shall constitute the first board of directors. The board shall elect one of its members president, and such other officers as may be deemed advisable; and may fill all vacancies occurring in the board; and may appoint such agents and employes as may be desired, and prescribe their duties and fix their compensation; and may make all necessary by-laws and rules for the management of the company; and may purchase, hold, and dispose of such real and personal estate as may be deemed advisable; and may dispose of stock from time to time, and re-issue such as may be acquired in the course of its business, whether taken for debt or otherwise; and may do any and all acts which may be proper or convenient for carrying into effect the powers herein granted.

§ 7. The company shall have the right to charge reasonable rates of fare for passengers and freight, which shall be fixed, from time to time, by the board of directors; and if any passenger shall fail or refuse to pay the fare when demanded, he may be ejected from the car.

§ 8. The president shall be the chief officer of the company, and shall perform such duties, and possess such powers, and receive such compensation, as the board of directors may prescribe.

§ 9. The private property of the stockholders of said company shall be exempt from the corporate debts.

§ 10. The motive power to be used by said corporation shall be such as the board of directors may prescribe.

§ 11. This act shall take effect from its passage.

Approved March 10, 1884.

CHAPTER 360.

AN ACT to incorporate the Salt Lick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created for the purpose of building and operating a macadamized or gravel road, beginning at or near where Salt Lick creek runs into the Rolling Fork of Salt river, and running up said creek to the Taylor county line, and shall extend an east course until it strikes the pike running from Lebanon to Campbellsville.

§ 2. The name and style of said turnpike company shall be "The Salt Lick Turnpike Road Company;" and by that name it shall sue and be sued, contract and be contracted with; and may hold, acquire, sell, and convey all real and personal property necessary for the purpose of constructing said road and keeping it in operation, and shall have the privileges and franchises incident to such corporations.

§ 3. The capital stock of said company shall be eight thousand dollars, to be increased or decreased at the will of the company, to be divided into shares of fifty dollars each.

§ 4. Henry Sutton, John Thompson, John Simpson, Steven Pickerell, and James Thompson are hereby appointed commissioners, who, or any two of them, may open a book for subscriptions to the stock of the company, at such time and place as they may determine, of which due notice shall be given, and the subscribers to the stock shall sign therein an obligation in substance as follows, viz: We, whose names are hereunto annexed, severally promise to pay to "The Salt Lick Turnpike Road Company" the sum of fifty dollars for each share set opposite our respective names; in such proportions and at such times as shall be determined by the president and directors of said company.

§ 5. When the sum of one thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of said commissioners, or any two of them, to give notice as directed in the preceding section of a meeting of the stockholders, at such time and place as the notice may designate, for the purpose of electing a president and five directors. One vote shall be allowed for each share of stock, and the said officers of this company shall continue in office one year, and until their successors are elected and qualified. The time and place of the election after the first election shall be fixed by the president and directors, a majority of the directors being competent to transact the business of the corporation, and the president only voting in case of a tie; and no one who does not own stock in said road shall be eligible to the office of president or director in said company; and said officers shall continue in office one year, and until their successors are elected and qualified.

§ 6. Said corporation shall fix and locate the route for the construction of said pike, prescribe the grades, and the depth and width of the metal to be placed thereon, and the mode and manner of constructing the same, and repairing same when needful; may designate the places for toll-houses, acquire land whereon to erect the same, fix the rates of toll, regulate and change same; but such rates shall not exceed the rates fixed by general law; and shall also fix the width of said road, to be not less, however, than thirty feet. After two and one-half miles of said road are completed, they shall have the right to charge proportionate toll, and so with each additional mile completed.

§ 7. It shall be lawful for the officers and employes of the company, for the purpose of constructing said road, to enter with their tools and appliances upon lands over and contiguous to which the intended road shall pass, first giving notice to the owners and occupants thereof. The company shall have power to take and receive the right of way over and through the lands where said road may be located; and if, in any instance, from any cause, the right of way cannot be procured by agreement with the owner or owners of said

land through which the road is to pass, then the company shall apply to the county court of the county in which said land lies for a writ of *ad quod damnum* to assess the damages which may be sustained to the owner or owners of such lands, and such court shall issue its writ by its clerk, directing the sheriff of said county, on a day to be named in the writ, to meet upon the lands through which the way is sought to be established, with a jury of twelve discreet housekeepers of said county, not living within two miles of said road, which jury, upon being duly sworn, shall view and assess the damages sustained under the laws of the State, by the establishment of the right of way for said road, and upon payment or tender of the damages assessed, it shall be lawful for the company to open and make said road, and do all the work pertaining thereto, and the writ of *ad quod damnum*, with the action had thereon, shall be returned to the office of the court whence it issued, and all proceedings therein shall be the same as are prescribed by the general law when said writ is issued, so far as is not inconsistent with this charter. Said company may condemn rock quarries for the use of its road, as hereinbefore provided in this section.

§ 8. The gate-keepers or other employees appointed and put into the toll-houses, or other houses of said company, shall not thereby become tenants of said company, but shall only be occupants at the option of the president and directors; nor shall they be entitled to any notice to deliver the same and any lands attached, other than an order from the president notifying them, or either of them, of his or her dismissal.

§ 9. The president and directors may appoint, from time to time, such officers as they may need, and may require of them bond and surety for the diligent and faithful performance of the duties required of them, and discharge them whenever it may seem proper, such officers to be required, before entering upon the duties of their office, to take an oath in writing, by them subscribed before some person authorized to administer the same, that they will faithfully

discharge the duties of said office, which oath and certificate thereof shall be filed among the records of said company.

§ 10. This act shall take effect from and after its passage.

Approved March 10, 1884.

CHAPTER 361.

AN ACT to amend an act, entitled "An act to incorporate the Falmouth and Chipman Hall Turnpike Road Company," approved March twenty-ninth, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two of the act to which this is an amendment be amended by striking therefrom the words "Chipman Hall," in the last line thereof, and inserting in lieu of said words the words "Williamstown, in Grant county."

§ 2. That section five of said act be amended by striking therefrom the word "Monday," in the third line thereof, and inserting in lieu thereof the word "Saturday."

§ 3. That said company may, at any time, increase its number of directors to seven, by giving ten days' notice thereof in some newspaper published in the county, or by written notices posted along the line of said road. Said notice shall give the time and place of said election, and if published by posted notices, there shall be one notice on every mile of said road.

§ 4. That section eight of said act be amended by striking therefrom the word "thirty" in the second line thereof, and inserting in lieu thereof the word "seventy."

§ 5. That said company may build a branch road from a point near where its toll-gate nearest Falmouth now stands, to Greenwood school-house, and the Three Forks of Grassy creek, in Pendleton county, and for that purpose has all the rights and privileges granted it in the act to which this is an amendment.

§ 6. Said company may locate its toll-gates on any part of its said road or roads, and collect for the distance traveled as provided for by the general laws of this Commonwealth. It may contract with the Falmouth Turnpike Road Company

or its toll-gate keeper for said toll-gate keeper to collect the toll on any part of said roads.

§ 7. This act shall take effect from and after its passage.

Approved March 10, 1884.

CHAPTER 362.

AN ACT to prevent stock from running at large in magisterial district number one, in Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the residents and the owners of stock in magisterial district number one, in Warren county, to keep their stock, including horses, mules, cattle, hogs, and sheep, from running at large without the inclosure of the owner. If any such stock in said district shall injure or damage the crop or property of any resident in said district, the owner of such stock shall be liable to the person whose property or crop is so damaged to the extent of the full value thereof, irrespective of the fact of whether the owner of the property so damaged has or has not a lawful fence, as now required by the general law of the State; and the stock so committing the trespass shall be liable for any damage so done, and be subject to execution to satisfy any judgment that may be obtained under this act. In cases where a division fence exists or may exist between two residents in said district, it shall be the duty of the owners thereof to make it so secure that stock cannot pass it; and if either party fails to so build, keep, and maintain his portion of such division fence, he shall be liable for any and all damage that may be done by any stock which may cross same, and the party to said division fence who builds, keeps, and maintains his portion of such division fence, so that stock cannot cross it, shall not be liable to the other party of such division fence for any trespass of his stock on such party.

§ 2. In suits for damages under this act, the various courts shall have jurisdiction according to the amount involved as now provided by law.

§ 3. All acts in conflict with this act, so far as magisterial district number one, in Warren county, is concerned, are hereby repealed.

§ 4. This act shall only apply to magisterial district number one, in Warren county, as now bounded and fixed, and shall be submitted to the voters of said district at some regular election, and if a majority of the votes cast be in favor of the act, then the same shall be in force and effect.

Approved March 10, 1884.

CHAPTER 363.

AN ACT to incorporate the town of East Bernstadt, in Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of East Bernstadt, in Laurel county, be, and the same is hereby, established as follows, to-wit: In the form of a square, whose sides shall be parallel, and right-angle lines with the railroad depot at East Bernstadt. The sides shall be three miles each. The said depot shall be the center of said square and corporate limits.

§ 2. That Jonathan McNeill, W. H. Litton, Dr. H. S. Pitman, C. S. Nield, and T. A. Fain are hereby appointed trustees of said town; who shall hold their office until the first Saturday in December, one thousand eight hundred and eighty-four, and until their successors are elected and qualified; at which time, and annually thereafter, there shall be an election by the qualified voters of said town for five trustees, to serve for one year, or until their successors are duly elected and qualified. Said trustees herein mentioned shall, before they enter upon the duties of their office, be duly qualified by some one authorized to administer an oath that they shall faithfully discharge the duties of said office.

§ 3. That said trustees, and their successors in office, shall be a body-politic and corporate, and shall be known as the trustees of the town of East Bernstadt; and by that name shall be capable of contracting and being contracted

with, of suing and being sued, of pleading and being impleaded, in all the courts of this Commonwealth.

§ 4. That said trustees, any three of whom shall constitute a quorum, shall elect one of their number as chairman, who shall preside over the deliberations of said board when convened, and who shall have power to convene the board in session whenever he may deem it necessary.

§ 5. That said trustees shall have power over the streets and alleys and sidewalks, and may direct the opening, straightening, altering, or improving the same in such manner as they may deem most beneficial to the said town. They shall have power to make all by-laws for the regulation and government of said town, not inconsistent with the Constitution and laws of the United States and of this Commonwealth. They shall have power to levy and collect a tax upon the property, not to exceed twenty-five cents on the one hundred dollars, and a poll-tax not exceeding one dollar and fifty cents, to be applied to the improvement of the streets, alleys, and sidewalks, or other improvements and expenses necessary therein ; but said tax on property shall not be placed on farming land and coal banks inside of said corporation, except such as may be improved by sidewalks and streets. They shall have power to tax shows and all public exhibitions such sums as they in their by-laws may fix.

§ 6. It shall be the duty of said board of trustees to appoint a treasurer, and clerk, and assessor, and to take bonds with sureties, and for a violation of duty or default of any officer so appointed suit may be brought before any tribunal having jurisdiction thereof ; a majority of said board of trustees may, for proper cause, remove any officer and appoint others to fill their vacancies.

§ 7. The said board of trustees shall keep a full and complete record of their proceedings, and at the request of a member the ayes and naves on any question shall be recorded : *Provided*, that no member shall vote on any question in which he has a private interest ; they shall keep an account of all moneys levied, collected, and disbursed,

and state on their journal for what each sum was disbursed, and shall at all times keep their journal open to the inspection of the citizens of the town. They shall cause all orders and proceedings of the board to be entered on the journal and to be signed by the chairman or the chairman *pro tempore*.

§ 8. It shall be the duty of the clerk of the board of trustees, appointed under the sixth section of this act, to preserve the books, papers, and records belonging to the office, and to keep a regular journal of the proceedings of the board, and to record all its acts and resolutions, and to furnish attested copies of all acts and orders passed by the board when required to do so by persons entitled to demand the same, and to draw his order on the treasurer for all sums due persons on claims allowed by the board; he shall make out a book for the collector of taxes, with a copy of the order of the board of trustees, fixing the rate of assessments, and also a list of the persons and property by whom and upon which taxes are due and unpaid, and the amount of each claim respectively; after the assessor's list has been revised and corrected by said board, said clerk shall be allowed a reasonable compensation for same.

§ 9. The treasurer shall receive and receipt for all moneys paid to the board. He shall pay out no money without a copy of an order of the board making the appropriation signed by the clerk, and he shall file all such vouchers for settlement with the board. The treasurer is authorized to receive and receipt for all taxes that may be paid to him before the tenth day of October annually. He shall, on or before the tenth day of October annually, report to the clerk of the board a true list of all taxes and moneys received by him.

§ 10. That J. S. Thompson is appointed police judge, and G. T. Farris marshal, who shall hold their office until the first Saturday in December, one thousand eight hundred and eighty-four, and until their successors are duly elected, and qualified; but before they enter upon the duties of their office shall take oath and execute bonds as justices of the peace and constables are required to do. That on the first

Saturday in December, one thousand eight hundred and eighty-four, at the election of trustees, there shall be a poll opened for police judge and marshal, and every two years thereafter, and elected in the same manner as trustees of said town are elected; and the trustees shall make the necessary orders and appoint necessary officers for holding same. Said judges and marshal shall hold their office for two years, and until their successors are elected and qualified, and shall take oath and execute bond as hereinbefore provided.

§ 11. That said police judge shall have a regular monthly term for the transaction of civil business within said corporation, and his court shall be open at all times for the trial of any violation of statutes and corporation laws; said police judge shall have jurisdiction concurrent with justices of the peace in civil, criminal, and penal cases, and of all misdemeanors occurring and committed in the town of East Bernstadt. Said court shall be governed in its rules and proceedings by the Code of Practice, and from its judgments appeals may be taken as provided for taking appeals from justices' courts.

§ 12. That all processes of said court may be directed to the marshal, any sheriff or constable, as the judge may see proper. All process for violation of the statute or corporation laws shall run in the name of the Commonwealth of Kentucky, and may go into any county in the Commonwealth, and said marshal or other officer may execute it anywhere in the State. Said police judge shall be allowed same fees as justices of the peace are allowed for similar services, but shall be allowed fifty cents for all warrants for violation of corporation and penal laws, to be taxed as costs.

§ 13. The marshal of the town, before he enters upon the duties of his office, shall take oath of office in substance same as that prescribed by law for constables, and execute bond in a sum not less than one thousand dollars, with good security, as may be required by the board of trustees. It shall be his duty to execute and make due returns of all notices and all processes legally directed to him, and receive and collect all fines and forfeitures due and payable to the

town, and account for and pay over the same at the time and in the manner required by law. He shall attend the meetings of the board, and serve and execute all orders and all notices issued or made by them. He shall have all the power, and shall be liable to all the responsibilities of sheriff in the execution of the duties of his office, and shall have jurisdiction coextensive with constables in the county in civil matters. He may appoint one or more deputies as he may deem expedient.

§ 14. The marshal shall be *ex officio* collector of all taxes due the town, but the board may appoint another collector of taxes for the same reason the county court may appoint a collector of revenue in the stead of the sheriff. He shall be allowed to charge the same fees and commissions that are allowed to constables for similar services, and for all other services shall receive such salary as may be determined by the board of trustees.

§ 15. For any tax levied under this act, there shall exist a lien in favor of the trustees upon all the property of the tax-payer, the same as allowed by law to the State for the collection of State revenue tax; and in case the owner of any taxable property shall fail to pay his taxes on or before the first of October in each year, it shall be the duty of the tax-collector to levy on same and sell for cash in hand, at some public place in said town, after ten days' notice by written or printed notice posted in three or more public places in said town, so much of the personal, mixed, or real property of the persons so in default as will pay off and discharge the tax of such person due the trustees, and ten per cent. damages thereon for the tax-collector, besides expense of levy and sale, which sale shall vest the purchaser with the title and to hold the same, and personal property so sold shall be delivered at once to the purchaser: *Provided, however,* That the owner of the real estate so sold may, within one year from day of sale, redeem such real estate by paying to the treasurer of the town, or to the clerk of the board of trustees of said town for said purchase, the purchase-money and ten per cent. thereon; but if he or she fails to redeem the real estate as hereinbefore set forth within one

year, the chairman of the board of trustees shall convey by deed, to the purchaser or his heirs or assigns the estate so purchased under his official title, and said deed shall vest the full-fee-simple title in the purchaser, who, to obtain possession, shall be entitled to the same remedies as are prescribed by law in case of a purchase under sheriff deed. The board of trustees shall make needful rules and regulations to carry into effect its foregoing provisions.

§ 16. That in case no election shall be held, and there is an entire vacancy in the office of trustees, and no one in office, the county judge shall appoint trustees to serve until the next regular election. That all residents of said town who are entitled to vote for Representatives in the General Assembly of this Commonwealth, shall be entitled to vote for town officers of said town.

§ 17. This act to be in force from its passage.

Approved March 10, 1884.

CHAPTER 364.

AN ACT to incorporate the Falmouth and Catawba Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That such persons who do subscribe, or otherwise contribute, to the capital stock for the construction of a turnpike road from a point near the bridge across South Licking river, near Falmouth, in Pendleton county, to Catawba station, in said county, are hereby created a body-politic and corporate, under the name and style of the Falmouth and Catawba Turnpike Road Company; and by that name may contract and be contracted with, sue and be sued, and do all other things necessary and proper to carry out the object of its incorporation, and to have perpetual succession.

§ 2. Henry Newman, Wm. Regan, George Dawson, and Joseph Purdy are hereby appointed commissioners, who, or any one of them, are authorized to receive subscription to the capital stock of said company until a sufficient amount

is subscribed to complete said road hereafter named; but when fifteen hundred dollars to said capital stock is subscribed, the stockholders are authorized, at such time and place, and in such manner as may be directed by said commissioners, any three of whom may act, to elect a board of directors composed of five of its stockholders. Said board shall elect one of its members as president, and shall elect a treasurer and secretary. Said board shall hold their office for one year, and until their successors are elected and qualified. In all elections each stockholder shall have one vote for each share of stock owned in said road, which vote he may cast in person or written proxy.

§ 3. It shall be the business of said company, and it shall have the right and power, to construct a turnpike road, on the macadamized plan, from the Falmouth Turnpike Road, at a point near the South Licking bridge, in Pendleton county, to Catawba station, in said county.

§ 4. Said road shall not be less than thirty feet wide, and the stone not less than fourteen feet wide, and an average depth of eight inches, and the grade sufficient to support the same. Within the above limitations the board of directors of said company may determine the manner of constructing said road, and locate same; and for the purpose of locating said road, may enter with a surveyor, employes, and necessary tools, upon the lands of any and all persons along said proposed route.

§ 5. The business affairs of said company shall be under the management and control of its board of directors, including construction and management of its road, and the appointment of such officers, toll-collectors, and other agents as said directors may deem necessary; and they shall cause an accurate account of all their acts and proceedings, and all their business transactions, to be kept by the secretary of the company, which shall be laid before the stockholders for their inspection at each of their regular or called meetings. A majority of said directors shall constitute a quorum for the transaction of any of said company's business; they may adopt such rules and by-laws, consistent

with the laws of this Commonwealth, as they may deem best to promote the interest of said company.

§ 6. Said company may acquire, by gift or purchase, or may condemn land for right of way, and material for said road, either in constructing or repairing said road, and also ground, not exceeding one acre, at each gate, for a toll-house, as is provided for by the general laws of this Commonwealth as in cases of turnpike roads.

§ 7. The company shall have the right to erect toll-gates at such places as its directors may deem best, and collect tolls on said road. It may do so as soon as two miles of its road is completed; the rates of toll which said company may collect shall be governed by the provisions of the General Statutes.

§ 8. The capital stock of said company shall not exceed fifteen thousand dollars, divided into shares of fifty dollars each, which shall be paid in such installments and at such times as required by the board of directors of said company.

§ 9. The directors of said company shall keep a record of all certificates of stock issued to their said stockholders, and they shall issue a certificate of stock for every paid-up share of stock to the owner thereof, which certificate shall be signed by the president and countersigned by the secretary of said company; said shares are transferable on the books of said company.

§ 10. This act shall take effect from and after its passage.

Approved March 10, 1884.

CHAPTER 365.

AN ACT entitled an act to empower B. F. Crawford and his deputies to collect the uncollected taxes due J. B. Hackett, late sheriff of Grayson county, for the years one thousand eight hundred and eighty-one and one thousand eight hundred and eighty-two.

WHEREAS, Jas. B. Hackett was sheriff of Grayson county for the years of one thousand eight hundred and eighty-one and one thousand eight hundred and eighty-two, and he having in the spring of one thousand eight hundred and eighty-three defaulted and absconded, and his sureties on his various bonds being liable in consequence of said Hackett's

failure for about four thousand five hundred dollars, the most of which they have paid, and there being a considerable sum of taxes yet on said Hackett's books for said years uncollected; and whereas, the said sureties having appointed B. F. Crawford, one of their number, to collect said old taxes; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. F. Crawford, one of said sureties, and such deputies as he may appoint, be, and they are hereby, empowered and authorized to collect the uncollected taxes due from the tax-payers of Grayson county for the years one thousand eight hundred and eighty-one and one thousand eight hundred and eighty-two. They are hereby given all the powers and rights to coerce the payment of said taxes that are given to sheriffs by the laws of this Commonwealth in the collection of State revenue. The same duties and responsibilities shall devolve upon them in making said collections that are required by law of sheriffs in the collection of the State revenue. They shall be subject to like penalties of sheriffs for any breach of official duty, and sales of personal or real estate made by them shall be effectual to pass title, and all laws in the General Statutes of Kentucky applicable to sales of personal or real estate for taxes shall apply to sales made by them.

§ 2. The said B. F. Crawford shall be required, before proceeding to collect said taxes under the provisions of this act, to give bond to the Commonwealth of Kentucky in the county court for the faithful performance of his duties, and that he will pay over to the proper parties all moneys he or his deputies may collect of said taxes, upon which bond suit may, from time to time, be instituted, by any person aggrieved for breach of said bond, in the Grayson circuit court.

§ 3. All laws in conflict herewith are hereby repealed.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 10, 1884.

CHAPTER 366.

AN ACT to incorporate the Lexington Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the "Lexington Manufacturing Company" be, and the same is hereby, incorporated, and by that name it may sue and be sued, contract and be contracted with; it may have a seal, and alter and change the same at pleasure; acquire, hold, and transfer all real and personal property necessary for the conducting of its business, and for securing debts and liabilities to it, as fully as though it was a natural person; and also shall have the rights, powers, privileges ordinarily pertaining to corporate bodies of like character. It may, by its directors, make all rules and by-laws necessary for the management of its affairs not inconsistent with the Constitution and laws of this State or the United States.

§ 2. That the capital stock of this company shall be one hundred thousand dollars (\$100,000), to be divided into shares of one hundred dollars (\$100) each. The said company may carry on its business whenever two hundred and twenty-five (225) shares of stock have been subscribed; certificates of stock shall be issued to each stockholder, signed by the president and countersigned by the secretary, which shall be transferable by the holder; but no such transfer shall be valid, except between the parties thereto, until the same is regularly entered upon the books of the company, so as to show the name of the person to whom and by whom made, the date of the transfer, and the number of the shares transferred.

§ 3. The business of this company shall be conducted by a board of not less than five nor more than nine directors, to be chosen by the stockholders from their own number, and who shall vacate their offices when they cease to be stockholders. They shall hold office for two years from the regular election, and until their successors, duly chosen, shall enter upon the duties of their office; but whenever a majority of the newly-elected directors shall enter upon their offices, then all the members holding over shall cease to act. The

directors shall have power to fill any vacancy in the directory until the regular election. They shall appoint one of their number president and one vice president, and appoint a treasurer, secretary, and superintendent; and may engage such other subordinate officers as they may deem necessary; and may fix the salaries and times and manner of payment of all officers; and shall prescribe the duties of all such. A majority of the directors or stockholders shall constitute a quorum to transact business whenever a meeting of either is held. The time of holding all elections shall be fixed in the by-laws of the company; but the first one may take place any time after organization. All such elections shall be held in the city of Lexington, and each share of stock shall entitle the holder to one vote in all elections or matters submitted to a vote of the stockholders.

§ 4. Said company shall have the right, through its directors, to take from its officers or agents bonds for the faithful discharge of duty, and for the safety and security of its funds and property.

§ 5. The business of this company shall be manufacturing, selling, buying, and trading in the "Permutation Lock," patented December nineteenth, one thousand eight hundred and eighty-two, by C. M. Schwartz and W. Carter, and in such other locks and other articles of manufacture as to said company may seem advisable; and shall be carried on in or near Lexington, Fayette county, Kentucky; but it shall have the right to establish agencies, branches, and offices elsewhere to assist in carrying out the objects of the company.

§ 6. That J. R. Morton, T. N. Allen, Jno. Webster, M. Kaufman, C. M. Schwartz, and Wm. Carter shall constitute the board of directors until their successors shall be elected as hereinbefore provided, unless they or either of them shall become disqualified as provided in section three of this act.

§ 7. The directors may at any time remove any officer for cause.

§ 8. The directors shall declare and pay the stockholders from the net profits of the business such dividend or dividends as in their discretion is wise and prudent.

§ 9. The private property of the corporators and stockholders of this company shall be exempt from all liability for the debts or liabilities of the company.

§ 10. This act to take effect from and after its passage.

Approved March 10, 1884.

CHAPTER 367.

AN ACT for the benefit of K. F. Hargis, jr.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Kenaz F. Hargis, jr., a licensed lawyer, and present circuit court clerk of Lee county, is authorized to practice law in all the courts of this Commonwealth except those in the county of which he is clerk.

§ 2. This act shall take effect from and after its passage.

Approved March 10, 1884.

CHAPTER 368.

AN ACT to designate certain persons to prepare new assessment and revenue laws for the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Alex. P. Humphrey, W. B. Hoke, Isaac Caldwell, Bennett H. Young, and L. N. Dembitz, are hereby designated a commission, whose duty it shall be to prepare, formulate, and digest a complete system of laws regulating in all respects the assessment of property and choses in action, the duties of all assessing and collecting officers, the time, terms, and manner of the payment of taxes, and the compensation to be allowed to all officers charged with the raising and collection of revenue in the city of Louisville for the municipal purposes of said city of Louisville.

§ 2. The persons above named for their services shall be compensated by payment out of the treasury of the city of Louisville not exceeding the sum of one thousand dollars each, and they shall report by a complete bill covering the

subject aforesaid not later than the first day of April, one thousand eight hundred and eighty-four.

§ 3. This act shall take effect from and after its passage.

Approved March 11, 1884.

CHAPTER 369.

AN ACT to exempt the people and property situated in the "Cut off," in Simpson county, from certain county liabilities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the people and taxable property situated within the limits of that strip of territory detached from Logan county and added to Simpson county, by virtue of an act of the Legislature, approved fourteenth of January, one thousand eight hundred and sixty-nine, and known as the "Cut-off," are, and shall be, exempted from all liability to be taxed to pay or help to pay any part of the debts, judgments, or liabilities based on Simpson county railroad tax receipts or certificates, or originating therein; and it shall be the duty of the county authorities to levy and collect the taxes to meet said debts and liabilities exclusively from the property and people situated within the limits of the county as it existed prior to January fourteenth, one thousand eight hundred and sixty-nine.

§ 2. The tax receipts herein referred to are these issued for taxes paid in aid of the building of the Louisville and Nashville Railroad.

§ 3. This act shall take effect and be in force from the day of its passage and approval.

Approved March 11, 1884.

CHAPTER 371.

AN ACT for the benefit of A. W. Scott.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. W. Scott, clerk of the Metcalfe county court (a licensed attorney-at-law), be, and he is permitted

and authorized, to practice his profession as said attorney in any of the courts of this Commonwealth outside of the county of Metcalfe.

§ 2. This act shall take effect and be in force from the date of its approval by the Governor.

Approved March 11, 1884.

CHAPTER 372.

AN ACT to amend the charter of the Eastern Kentucky Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Eastern Kentucky Railway Company, by a vote of a majority in interest of its stockholders, shall have power to consolidate and merge its franchises and property with those of any other railway in this State or in the States of Ohio and Virginia: *Provided*, Any such consolidation shall form a continuous line of railway. The agreements of consolidation, as adopted by the companies consolidating, and the name adopted by said consolidated company, or certified copies thereof, shall be filed in the office of the Secretary of the Commonwealth, and taken as the act of consolidation of said companies. The consolidated company thus formed may adopt such name and title as shall sufficiently describe its line of railway, and the said consolidated company shall be entitled to all the properties, rights and franchises, and subject to all the liabilities, of said Eastern Kentucky Railway.

§ 2. The said Eastern Kentucky Railway Company shall have power and authority to extend its line of railway to any point within the limits of Greenup county, to enable it to reach deep water in the Ohio river, or to connect said railway with any railway in the State of Ohio.

§ 3. This act shall take effect from and after its passage.

Approved March 11, 1884

CHAPTER 373.

AN ACT to incorporate Camp Nelson Academy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§. That John G. Fee, James O. Hervey, John Tracy, Howard S. Fee, John Jackson, and Simon Emerick, be, and they are hereby, constituted a body-politic and corporate, by the name and style of the trustees of Camp Nelson Academy, at Camp Nelson, in the county of Jessamine, and State of Kentucky; and by that title to plead and be impleaded; to acquire, to hold, and convey property, real, personal, and mixed; and to have and to use a common seal.

§ 2. The board of trustees shall elect a president, vice president, and secretary of said board from their own number.

§ 3. It shall be the duty of the board of trustees to appoint the principal and teachers of the academy, also a secretary and treasurer of the same; fix their salaries, prescribe the course of study, receive and disburse moneys, make contracts, and transact all other business for the benefit of the institution.

§ 4. The board of trustees shall make such by-laws as they shall deem necessary to promote the interests of the institution, not inconsistent with the Constitution or general laws of Kentucky.

§ 5. The persons named in article first of this charter shall constitute the original board of trustees, and new members may be added to said board and vacancies therein filled by the addition of such persons as shall be elected members thereof by the board of trustees.

§ 6. The board of trustees may appoint a prudential committee of three or more persons, who shall transact all business that may arise between meetings of the said board as shall be directed by said board, and that is in harmony with this institution.

§ 7. That the name of Camp Nelson Academy, at Camp Nelson, in the county of Jessamine, and State of Kentucky,

be substituted for the former name of Ariel Academy, as it is set out in constitution.

§ 8. This act shall take effect from and after its passage.

Approved March 11, 1884.

CHAPTER 374.

AN ACT to amend an act, entitled "An act to incorporate the Cane Run and King's Mill Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Cane Run and King's Mill Turnpike Road Company is so amended as to require the election of a president and directors to be on the second Saturday in January of each year, and to be held at the toll-house of said company between the hours of ten o'clock, forenoon, and two o'clock in the afternoon.

§ 2. No one shall be eligible for president or director who shall not have owned one or more shares of stock for thirty days prior to the time he may be elected, to be evidenced by the stock-book of said company.

§ 3. That the board of directors are empowered to put the toll-house of this company at any point they think best on the line of said road.

§ 4. In the event of a vacancy of president or director of this road, the board may elect one to fill the unexpired term of such vacancy; and all acts or parts of acts not consistent with this amendment are repealed.

§ 5. This act to take effect from its passage.

Approved March 11, 1884.

CHAPTER 375.

AN ACT supplementary to an act entitled "An act to incorporate the Raccoon Mining and Manufacturing Company," approved March sixteenth, one thousand eight hundred and sixty-nine.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That "The Raccoon Mining and Manufacturing Company" may engage in and prosecute the business of manu-

facturing timber and lumber, and dealing in the same, and the products of the forest, and the business of rearing live-stock, and dealing in the same, and the products thereof.

§ 2. This act shall be in force from its passage.

Approved March 11, 1981

CHAPTER 376.

AN ACT to incorporate the Harrodsburg and Dixville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and is hereby, incorporated, under the name and style of the Harrodsburg and Dixville Turnpike Road Company, and by said name and style shall have perpetual succession, and may sue and be sued, plead and be impleaded, and as such is hereby vested with all powers enjoyed by similar corporations in this Commonwealth.

§ 2. The following persons are appointed commissioners to receive subscriptions of stock to said company: Willis Hatchet, Wm. A. Jackson, W. B. Semonis, George Nichols, B. F. Nichols, Robt. Kirkland, George S. Wickersham, D. B. Cheatham, Jas. A. Tewney, Chas. Hungate, Alex. Kirkland, John Devine, and Mathew Cummins, and said persons are authorized to open books and receive subscriptions at any time or place they may deem proper.

§ 3. The capital stock of said company shall be divided into shares of (\$50) fifty dollars each, and the entire capital stock shall not exceed the amount necessary to construct said road and toll-houses, at which toll may be collected at rates as allowed by general law.

§ 4. When a sufficient amount of stock shall be subscribed to justify the beginning of said road, the commissioners, or such of them as may act, shall, at such time and place as they may deem proper, call a meeting of the stockholders, and hold an election for a president and three (3) directors for one year, or until their successors are elected and qualified.

§ 5. The width of said road shall not be under (20) twenty feet or more than (35) thirty-five feet; the metal or macadamized part shall not be less than (12) twelve feet; the steepness or grade shall not exceed ($3\frac{1}{2}^{\circ}$) three and one-half degrees.

§ 6. It shall be the duty of the president and directors to appoint one of their directors treasurer, who shall execute bond with approved security, and shall be responsible for all moneys of the company, subject to the order of the president. He shall also keep an account of all the receipts and expenditures of the company in a book kept for that purpose, which shall be open to the inspection of any stockholder of said company.

§ 7. Said turnpike road begins at W. B. Semonis' blacksmith shop, on the Harrodsburg and Perryville Turnpike Road, and thence over the old Bridge mill dirt road to Dixville.

§ 8. This act shall take effect from and after its passage.

Approved March 11, 1884.

CHAPTER 377.

AN ACT to authorize the Oldham county court of claims to levy an ad valorem tax for county purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Oldham county court of claims be, and it is hereby, authorized and empowered to levy, in each year, for county purposes, a tax of not exceeding ten cents on each one hundred dollars' worth of taxable property in said county.

§ 2. This act shall take effect from its passage.

Approved March 11, 1884.

CHAPTER 378.

AN ACT to amend an act, entitled "An act to amend and reduce into one all acts in relation to the incorporation of the town of Morgantown," approved March twenty-first, one thousand eight hundred and seventy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Morgantown shall have power to pass by-laws and ordinances to prohibit and prevent the obstruction of any street, sidewalk, or any part [of] any street or sidewalk, by piling wood, boxes, barrels, stone, or any other material in said streets, or on said walks, without reasonable excuse therefor; and any one who shall offend against said ordinances when passed shall be liable to a fine of not exceeding ten dollars for each offense, which may be recovered by warrant in the name of the Commonwealth before the police judge or any magistrate of Butler county, the proceeds to be paid to the town treasurer for the benefit of the town.

§ 2. This act shall take effect from and after its passage.

Approved March 12, 1884.

CHAPTER 379.

AN ACT to amend an act, entitled "An act to provide for a sealer of weights and measures for Jefferson county, and to fix his duties and fees," approved March third, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section five of the act, entitled "An act to provide for a sealer of weights and measures for Jefferson county, and to fix his duties and fees," approved March third, one thousand eight hundred and eighty-two, be, and the same is, amended so that the said section five shall read as follows: As compensation for his services, the said officer shall be paid by the owner or user of the scales, weights, or measures inspected, the following fees: For inspecting, testing, and sealing dormant scales, the following fees: For scales over fifty thousand pounds capacity, ten dollars; from

thirty to fifty thousand pounds capacity, six dollars ; from eight to thirty thousand pounds capacity, four dollars ; from four to eight thousand pounds capacity, three dollars ; from two to four thousand pounds capacity, two dollars ; from one to two thousand pounds capacity, one dollar ; from one hundred to one thousand pounds capacity, fifty cents. For inspecting, testing, and sealing platform scales, the following fees : For scales over four thousand pounds capacity, three dollars ; from two to four thousand pounds capacity, two dollars ; from one to two thousand pounds capacity, one dollar ; from one hundred to one thousand pounds capacity, fifty cents. For inspecting, testing, and sealing beam scales, the following fees : For scales over one thousand pounds capacity, one dollar ; from one hundred to one thousand pounds capacity, fifty cents. For inspecting, testing, and sealing all other scales, balances, and patent balances, weights, and measures, the following fees : For scales and balances, fifty cents each ; each weight over fifty pounds, ten cents ; each weight less than fifty pounds, five cents ; each wine and dry measure, five cents ; each yard measures, two and a half cents.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved March 12, 1884.

CHAPTER 380.

AN ACT to amend an act, entitled "An act to incorporate the Kentucky and Indiana Bridge Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Kentucky and Indiana Bridge Company be, and is hereby, authorized and empowered to have and exercise in the State of Indiana all the rights, powers, faculties, franchises, and privileges contained in, and conferred by, an act of the General Assembly of the State of Indiana, approved April ninth, one thousand eight hundred and eighty-one, and entitled "An act supplemental to an act,

entitled 'An act providing for the incorporation of companies formed for the purpose of constructing bridges for railway or common roadway purposes, or both, over rivers and streams forming the boundaries of the State of Indiana as part thereof,' " approved March second, one thousand eight hundred and seventy-five ; and also the rights, powers, faculties, franchises, and privileges contained in, and conferred by, the act to which the said entitled act is supplemental, so far as the same may, under the laws of said State, be had and exercised by said company. And said Kentucky and Indiana Bridge Company is authorized and empowered to consolidate with any bridge company organized under the laws of the State of Indiana for the purposes of building a bridge or bridges in connection with the said Kentucky and Indiana Bridge Company, or across the Ohio river between the cities of Louisville and New Albany ; and any such consolidation made, or hereafter made, is hereby approved, ratified, and confirmed ; and said Kentucky and Indiana Bridge Company is authorized to contract with, or to construct any railway or terminal line, either in Kentucky or in the said State of Indiana, which may be necessary for completing its terminal facilities ; and may bond the same, or may indorse the bonds of any corporation or company building such line or lines ; or it may extend such branch lines through the city of New Albany, State of Indiana ; and it may construct such line or lines in the county of Jefferson, State of Kentucky, as may be necessary to complete the connection with other railway or depots ; and may either bond separately such line or connections, or it may indorse the bonds of any corporation building a transfer line connecting with any of its branch lines north or south of the Ohio river. And the said bonds of the said Kentucky and Indiana Bridge Company are placed upon the same footing as the bonds of the city of Louisville : *Provided, however,* That in running such lines through the city of Louisville, they shall be constructed in such manner as may be prescribed by the general council of the city of Louisville.

§ 2. The said Kentucky and Indiana Bridge Company is hereby authorized to increase the number of its board of directors to any number not exceeding twenty ; and may increase its capital stock by a three-fifths vote of its stockholders to such an amount as may be ordered by three-fifths of the stockholders of said corporation, and dispose of said stock in any manner authorized by the vote of said stockholders,

§ 3. A meeting of the stockholders of said corporation may be called at any time by the board of directors by giving personal notice to each stockholder by letter deposited in the post-office of the city of Louisville, addressed to such stockholder, and by publication for five days prior to such election in two daily papers published in the city of Louisville.

§ 4. The said Kentucky and Indiana Bridge Company is authorized and empowered to issue preferred stock, or make any portion of its capital stock preferred as to dividends ; or it may issue second mortgage or income bonds upon such terms or conditions, and in such amounts, as may be agreed upon by three-fifths of the stockholders of said company, expressed by vote in any stockholders' meeting, or by an agreement signed by such proportion of stockholders and filed with the board of directors. Said Kentucky and Indiana Bridge Company is authorized to contract with any company organized under the laws of the State of Kentucky for the erection of said bridge, and the construction of any terminal lines connecting with it ; and to pay for the same in bonds or stock of said company at such prices as may be agreed upon.

§ 5. This act shall take effect from and after its passage.

Approved March 13, 1884.

CHAPTER 381.

AN ACT to incorporate the Warwick Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Thompson S. Burnam, J. H. Ensly, and Waller Bennett, together with such other persons as may choose to

associate themselves with said persons, and their successors and assigns, be, and they are hereby, created a body-politic and corporate, under the name and style of "Warwick Company;" and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, and defend and be defended, in all the courts as a natural person may do, and have perpetual succession.

§ 2. The principal place of transacting the business of said corporation shall be Silver Creek, Madison county, Kentucky, but it may establish offices for conducting its business at such other places in the United States as may be determined upon and fixed by its directors.

§ 3. The general nature of the business proposed to be transacted is the purchase of land and other property necessary for the erection and operation of a distillery or distilleries and warehouses, the purchase of distilleries and warehouses, the leasing of whisky distilleries and warehouses, the manufacture of whisky, and the purchase and sale thereof, as owner, agent, or merchant, and the buying, selling, and keeping or fattening stock, and doing such other things as are incident to or usual in operating a distillery; also the running of a grist-mill or mills, with such things as are usual or incident thereto; the running of a cooper-shop, with incidents thereto, including buying and selling of timber or timber lands; the running of a general merchandise store or stores; the buying, selling, or operating coal mines, with things incident thereto.

§ 4. The capital stock of said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each. Any two of the corporators may open books at any time, and receive subscriptions of stock to the capital of this corporation, and when the sum of fifty thousand dollars shall be subscribed, may organize, elect officers, and commence business, and exercise the rights and powers conferred upon them by this act. Said stock is to be paid upon calls in such way and at such times and places as ordered by the board of directors. The shares of stock shall be personal estate, and transferable on the books of the corporation according to its by-laws, but the corporation shall hold

a lien on the shares of the stockholders who may be indebted to it, and shares shall not be transferred until such debt is paid without the consent of the board of directors entered upon their order-book. Each share of stock shall entitle the holder to one vote at all elections of directors, and at all meetings of the stockholders.

§ 5. The affairs of the corporation shall be conducted by a president and board of directors, all of whom shall be stockholders, and shall hold office for the period of one year, or until their successors are elected and qualified. It shall be the duty of the board of directors to elect a treasurer, who shall be a stockholder, and the board may select a secretary and such other officers or employes as it may deem advisable to facilitate the transaction of business, and in the event of such selection shall prescribe their duties and powers. The number of directors shall be determined by the stockholders at their first meeting, at which time the stockholders shall proceed to elect a board of directors, to consist of the number so agreed upon, to serve until the second Monday in August, one thousand eight hundred and eighty-four, or until their successors are elected and qualified. Afterwards the number of directors shall be fixed by the by-laws.

§ 6. The regular election of directors shall take place annually on the second Monday of August at the place of business at Silver Creek. The directors shall designate one of their number to act as president.

§ 7. In the election of directors, no person shall be deemed elected until he has received a number of votes representing a majority of all the paid-up stock. Any vote may be cast either by the holder in person or by proxy expressed in writing.

§ 8. The president and directors and treasurer, and other officers which may be created, shall respectively exercise such powers and perform such duties as may be herein required of them or delegated to them or prescribed in the by-laws.

§ 9. The directors of the corporation may enact such by-laws as they may deem necessary, and may alter, amend,

and repeal the same at pleasure, provided such by-laws are not inconsistent with this charter, or with the laws and Constitution of Kentucky or the United States. They shall enact by-laws providing how the corporation may purchase or otherwise acquire real estate, and shall sell or otherwise dispose of same; and they shall provide a corporate seal. But upon application to the president in writing, signed by two stockholders, the president shall call a meeting of stockholders, and at such meeting the stockholders may repeal the by-laws enacted by the directors, and adopt others in lieu thereof; and the by-laws so adopted by the stockholders shall control the directors and corporation until the next regular annual meeting on the second Monday in August following, unless repealed sooner by the stockholders, in the same manner in which they were adopted. In the stockholders' meeting provided for, each stockholder shall be entitled to cast, in person or by proxy in writing, one vote for every share of stock owned by him; and no by-law shall be considered adopted until it receives a number of votes representing a two-third majority of all the stock.

§ 10. The corporation shall at no one time incur debts or liabilities exceeding the amount of its capital stock; and the private property of the stockholders shall be exempt from liability for the debts of the corporation.

§ 11. Certificates of stock shall be issued, signed by the president and attested by the treasurer, with the corporate seal attached; and shall be transferred in the manner prescribed by law.

§ 12. This act shall take effect and be in force from and after its passage.

Approved March 12, 1884.

CHAPTER 382.

AN ACT fixing the boundary and for the benefit of school district number one, in Morgan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary of common school district number one, of Morgan county, shall be as follows, to-wit: Begin-

ning at the lower end of James B. Fugate's farm, on Licking river, on the Prestonsburg road, where said Fugate's farm joins the farm of W. H. Elam ; thence down said Prestonsburg road with the same to the Mill branch ; thence so as to include all the land on the said Mill branch ; thence running so as to include the farms of Israel Saylor and John P. Salyer ; thence running with the top of the hill so as to exclude the lands of Jesse Caskey, and down with the top of the dividing ridge between Elk Fork and Licking river, down to and around the head of the branch that runs into the Licking river just above the residence of Miles Caskey ; thence down said branch to the river, so as include all the land on said branch ; thence up Licking river, to the point opposite the residence of J. M. Downing ; thence across the said river, running with the lines of Edward Wells, so as to include the lands of H. C. Turner ; thence so as to include the farm of W. A. Maxey ; thence so as to include the farms of Joshua Lawson and Joel Sartin ; thence up said river so as to include what is known as the Rowan place ; thence so as to include the farm of Amos Davis ; thence across Licking river to the line of said James B. Fugate ; thence down the river with the line of said Fugate to the line of W. H. Elam, or what is known as his farm ; thence with the line of said Elam to the Prestonsburg road to the beginning, including all the lands and premises within said boundary aforesaid.

§ 2. The commissioner of common schools for Morgan county shall not change the boundary of said district, within a period of five years after the passage of this act, unless by the unanimous consent of the board of trustees for said district.

§ 3. A tax not exceeding one per cent. in any one year on each one hundred dollars' worth of taxable property in said district, and for a period not exceeding five successive years, may be levied upon said district at any one election by a majority of the qualified voters present and voting ; and those only shall be deemed qualified to vote who reside in said district and are entitled to vote for common school trustees.

§ 4. It shall be the duty of the chairman of the board of school trustees for said district, within ten days after the passage of this act, to give notice to the voters of said district that an election will be held for the purpose of voting a tax, in accordance with the provisions of this act; and at least ten days before the time for holding said election a notice shall be posted on the front door of the house where the common school is being taught, or was last taught, and in two other public places in said district, showing the time and place for holding said election, the rate per cent. tax, and the period of time for which the same is proposed to be voted. The board of trustees for said district shall, within ten days after an election voting a tax, make out a true and correct list of all the white owners of property in said district, and of the amount and value of property owned by each subject to taxation for revenue purposes, and of all the white tithes residing in said district.

§ 5. In addition to the foregoing provision for levying a tax, the board of trustees for said district may, at its discretion, levy a tax each year of three dollars per head on each white male person of twenty-one years of age residing in said district.

§ 6. All the money raised by taxes voted, levied, assessed, and collected according to the provisions of this act, shall be expended for nothing else than for the purchasing of a site for a district school-house; the building, repairing, or furnishing the district school-house; for fuel and other necessary articles for the proper and convenient conducting of the common school; for fencing school-house site; for necessary out-buildings, and for the better payment of the teacher or teachers of the said school in said district; or for the extension of the term of the common school in said district for a longer period than five months; or for the payment of debts contracted by the trustees in the interest of the common school in said district.

§ 7. All the realty within the boundary of said district shall be subject to and liable for its proportion of whatever tax may be voted upon said district, whether said land is a

portion of a farm, the residence of which is outside the district or not, the owner of said realty resides upon the same.

§ 8. The board of trustees shall, soon after the passage of this act, and before the commencement of the next school year, select and adopt a full and uniform series or course of text-books for said district, and compel their use in the public school thereof; and so adopted and introduced into the school, they shall not be changed for a period of three years.

§ 9. It shall be the duty of the board of trustees for said district to employ such teacher or teachers only as are thoroughly competent to teach all the children within the school age that reside in said district, and who may attend the common school; and any language or science other than those named in the common school course may be taught in said district school.

§ 10. Every officer upon whom a duty is imposed by this act, for a failure to perform the same, or for a violation of any of the provisions of this act, shall be liable to an indictment in the Morgan circuit court for each offense, and fined not less than ten nor more than fifty dollars, in the discretion of the jury.

§ 11. The board of trustees shall, in all respects, except as specially provided for in this act, be governed by the common school laws of this Commonwealth.

§ 12. This act shall take effect from and after its passage.

Approved March 12, 1884.

CHAPTER 383.

AN ACT for the benefit of Daniel McCollum, purchaser of delinquent taxes, of Owsley county.

WHEREAS, There was an act passed at the last session, one thousand eight hundred and eighty-one, of the General Assembly of the Commonwealth of Kentucky, authorizing the county court of Owsley county to sell the delinquent and insolvent taxes of said county; and whereas, Daniel McCollum became the purchaser under said act of the delinquent and insolvent taxes of said county, from the year one thousand eight hundred and seventy-two to the year one

thousand eight hundred and eighty-two, both included; and whereas, a great many of said taxes are yet uncollected; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years be given said McCollum for the collection of said taxes, and that sheriffs or constables be empowered to collect same as other taxes are now collected.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved March 12, 1884.

CHAPTER 385.

AN ACT to incorporate the Shelby County Flour Mill and Coal Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John I. McDowell, Coleman Basye, Charles McDowell, William C. Hornsby, and John W. Hardin, their associates and successors, be, and they are hereby, incorporated and made a body-politic and corporate, under the name and style of the Shelby County Flour Mill and Coal Company.

§ 2. The said company may, by or under its corporate title, make and use a corporate seal, which it may alter or renew at pleasure; and may sue and be sued, plead and be impleaded, contract and be contracted with, and make by-laws, rules and regulations, consistent with existing laws of the State, for the government of all under its authority, the management of its estates and properties, and the due and orderly conduct of its affairs.

§ 3. The capital stock of said company shall be fifteen thousand dollars, and may be increased to any amount not to exceed fifty thousand dollars, by issue and sale of shares thereof, of not less than fifty dollars each, from time to time, under such regulations as the board of directors of said company shall prescribe.

§ 4. The said company shall have power, and may purchase, hold, grant, mortgage, and dispose of real and personal estate in Shelby county or elsewhere ; they may buy, lease, or rent lands or sheds, and may engage in the manufacturing of all products, and purchase all grains, transporting the same to market ; may buy and sell coal, and do all other acts that may be needful and proper for the successful operation and prosecution of their business, and for the execution of the powers herein granted.

§ 5. Said company may erect and build such buildings, mills, furnaces, engines, machinery, and fixtures as may be deemed necessary and proper for the establishing and conducting the business of said company.

§ 6. The persons first named in this act shall constitute the first board of directors of the said company, and continue in office until the first meeting of the stockholders thereof. At such first meeting, and at every annual meeting, so many directors shall be elected as may be prescribed by the by-laws and regulations of said company, and shall continue in office until their successors are elected and qualified.

§ 7. The board of directors shall be stockholders of said company ; they shall appoint one of their number president, and may fill all vacancies that may occur in said board. The board shall appoint, to hold during its pleasure, the subordinate officers and agents, prescribe their compensation as they deem fit. The stock of said company shall be deemed personal property, and may be transferred or assigned by issue of certificates, under such rules and regulations as may be prescribed by the by-laws of said company.

§ 8. No stockholder in said company shall be held liable or made responsible for its debts and liabilities in a larger sum than his amount of stock subscribed.

§ 9. That this act shall be in force from and after its passage, and shall continue in force for the space of fifty years.

Approved March 12, 1884.

CHAPTER 386.

AN ACT for the benefit of John W. Burton, of Washington county.

WHEREAS, John W. Burton, of Washington county, has been practicing dentistry as a student under competent, reliable, and diplomaed dentists, for the past four years ; and whereas, the said John W. Burton is amply qualified to practice his said profession ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the said John W. Burton be, and he is hereby, empowered to practice dentistry in Washington county, without obtaining a diploma or certificate as prescribed by an act, entitled " An act to amend an act, entitled ' An act to incorporate the Kentucky Dental Association, " approved April eighth, one thousand eight hundred and seventy-eight.

§ 2. This act shall take effect from its passage.

Approved March 12, 1884.

CHAPTER 387.

AN ACT to incorporate the Scott Tobacco Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That George V. Payne, Frank M. Snavelly, J. O. Parker, Uriah Hambrick, Will. N. Offutt, Elley Blackburn, and John C. Payne, together with such other persons as may become members of the organization herein contemplated, be, and they are hereby, declared a body-corporate and politic, and by the name and style of the Scott Tobacco Association, with its office at Georgetown, Kentucky ; and by that name and style be known ; and shall have the right to contract and be contracted with, sue and be sued, plead and be impleaded, in any court of law or equity in the Commonwealth of Kentucky ; to have and to use a common seal ; to purchase, hold, and convey personal or real estate : *Provided*, The private property of the members shall not become liable for the debts of the association.

§ 2. This association shall have power to make a constitution and by-laws; provide for receiving new members; to foster and encourage and develop the tobacco interests of Kentucky; awarding premiums, and by appointing and providing meetings of its members for the discussion of the best methods of producing and handling the same; and to provide for the annual election of an executive committee consisting of seven members, namely, a president, a secretary and treasurer, and five other committeemen, who shall have entire control of all business transactions of the association: *Provided, however,* That a majority of the committee may, at any stated meeting, have the power to submit any question to a vote of the association.

§ 3. Until the next annual election, which shall be held at the rooms of the association, in the city of Georgetown, Kentucky, on Friday, the fifth day of December, one thousand eight hundred and eighty-four, and until their successors are duly elected and installed, George V. Payne shall act as president, and Frank M. Snively as secretary and treasurer; and they, together with J. O. Parker, Uriah Hambrick, Will. N. Offutt, Elley Blackburn, and John C. Payne, shall constitute the executive committee; and they and their successors shall have power to transact all business of the association upon a majority vote of all the committee; and said committee may be convened at any time upon the call of the president or any three committeemen; and vacancies in said committee may be filled at any time by a majority vote of all the members of the association.

§ 4. The third annual fair of the association shall be held in Georgetown on Saturday, the sixth day of December, one thousand eight hundred and eighty-four; and subsequent fairs shall be held on the first Saturday in December in each of the following years; and all memberships shall cease on the thirty-first day of December in each year; and for the year one thousand eight hundred and eighty-four, and until further provided by the executive committee, any person may become a member of the association by the payment of one dollar, which will entitle him to all the privileges of full membership for the current year.

§ 5. In order to facilitate and further the aims of this association, the Governors of each of the States of the United States shall be authorized to appoint from his State a vice president of this association, who, upon presentation of his certificate of appointment, shall hold honorary membership during the term of office of the Governor making such appointment; and shall be entitled to all the privileges of full membership, and to vote upon all questions before the association at its stated or called meetings.

Approved March 12, 1884.

CHAPTER 388.

AN ACT to prohibit the sale of spirituous, malt, and vinous liquors in less than five gallons within three miles of Wallace's Chapel, in Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell spirituous, malt, and vinous liquors, or any mixture of either, within three miles of Wallace's Chapel, in Madison county, in quantities less than five gallons.

§ 2. That if any person shall violate the provisions of the first section of this act, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in the sum of fifty dollars for each offense, to be recovered upon indictment of a grand jury, or upon a warrant before a justice of the peace.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 12, 1884.

CHAPTER 389.

AN ACT to amend an act, entitled "An act to amend and reduce into one all previous acts incorporating the town of Owenton, in Owen county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three of an act, entitled "An act to amend and reduce into one all previous acts incorporating the

town of Owenton, in Owen county," approved February twenty-seventh, one thousand eight hundred and sixty-seven, be, and the same is hereby, repealed, and in lieu thereof be it enacted:

§ 2. That the court held by the police judge of said town shall be styled the "Owenton Police Court," and shall be held at the times now prescribed by law, and may be held at any time for the trial of criminal or penal causes within its jurisdiction.

§ 3. Said police judge shall have exclusive jurisdiction of all offenses against the by-laws of said town, and shall have civil and penal jurisdiction concurrent with justices of the peace for Owen county. His court shall be a court of record. He shall keep a fair and true record of all his judicial acts; and certified copies of the records of his court shall be evidence in other courts. He shall have power to issue all process and precepts necessary or proper for him to issue; to compel obedience to the same, and to punish contempts as may be done by a justice of the peace.

§ 4. In all suits in said police court in which the amount in controversy, exclusive of interest and costs, shall exceed fifty dollars, the fees of said police judge and of the officer executing the process shall be the same as those of a judge of a quarterly court and sheriff for similar services, and in all other cases their fees shall be the same as those of a justice of the peace and constable for similar services. Said police judge shall incur the same penalties as a justice of the peace for issuing an illegal fee-bill or making an illegal charge.

§ 5. Said police judge shall tax and allow as costs to the successful party an attorney's fee of two dollars and fifty cents in all cases in his court in which the amount in controversy, exclusive of interest and costs, shall exceed fifty dollars, but in no other: *Provided*, That no attorney's fee shall be taxed or allowed as costs in any suit in which such party is not represented by a licensed attorney.

§ 6. This act shall take effect from and after its passage.

Approved March 12, 1884.

LAWS OF KENTUCKY.

CHAPTER 390.

AN ACT for the benefit of the Fleming County Farmers' Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all promissory notes made negotiable and payable at the Fleming County Farmers' Bank (a joint stock company doing a banking business in Flemingsburg, Kentucky), and discounted by, or assigned to said bank, or any national bank, or any incorporated bank of this State, and all inland bills which may be discounted by or assigned to said Fleming County Farmers' Bank, shall be, and are hereby, put on the same footing of foreign bills of exchange when so discounted or assigned, and on the same footing that such negotiable paper aforesaid is put by the statutes of this State, and like remedies may be had thereon, jointly and severally, against the acceptor, drawer, and indorsers.

§ 2. That on and after this date said banking company mentioned in section one shall sue and be sued, plead and be impleaded, under the name and style of the Fleming County Farmers' Bank, the same as if said company was incorporated under the laws of this State.

§ 3. This act to take effect from its passage.

Approved March 12, 1884.

CHAPTER 391.

AN ACT to establish a "fence" law, and regulate the confinement and inclosure of horses and other live stock, in Calloway county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the judges and clerks of the election, at some general election in and for Calloway county, to allow the qualified voters of said county to vote upon the question as to whether they shall have a "stock law," or law requiring cattle, stock, and so forth, to be fenced in or out in said county or not.

§ 2. The said officers shall at said election propound the following question to each voter: "Are you in favor of a law requiring stock to be inclosed or not?" and shall record

his vote, either in the affirmative or negative, as it may be given.

§ 3. When the polls are compared and the vote at said election shall be counted, if it shall be ascertained that a majority of such votes are in the affirmative, then it shall not be lawful for any person to allow any cattle, horses, mules, hogs, or stock to go at large or outside an inclosure, unless under charge of the owner or some other person, after the expiration of two years thereafter, as provided for hereinafter.

§ 4. When any horses, mules, hogs, cattle, or stock shall be found running at large, or not under the immediate charge or restraint of the owner or other person, such horses, mules, cattle, hogs, or other stock may be taken up and confined by any resident citizen of said county, whose duty it shall be to notify the owner in writing within three days thereafter of that fact, together with a description of the animal so taken up; and in case it is not called for or claimed by the owner in three days after said notice, or such owner is unknown, then such taking up, with a description of the animal and date of the taking up, shall be posted as now required by law in case of "strays."

§ 5. The person taking up such animal shall be entitled to all fees and expenses of advertising expended by him, together with fifty cents per day for each horse, mule, jack, cow, steer, or bull, and twenty-five cents per day for each animal of any other kind forbidden by this act to run at large from the day on which it was taken until demanded by the owner. And the person so taking up such animal shall have a lien on, and be entitled to keep in possession, such animal until the payment of said fees, expenses, and per diem.

§ 6. The owner or controller of any animal herein forbidden to run at large shall be liable for all damages committed by it, at suit of any person who may suffer such damage, if committed while outside of the inclosure of the owner.

§ 7. The county court of said county may establish fencing, inclosures, and barriers on any road or passway (pub-

lic or private) in said county, or on its boundaries, as may be necessary or for the benefit of said county, or any part of it ; and are hereby empowered to establish, repair, alter, and control the same ; and make any contract or regulation necessary or proper to carry out the foregoing provisions, and to pay for the same, or discharge any expense or cost thereof, out of the county levy or revenue.

§ 8. This act shall be and become in full force and effect at the expiration of two years after the day of said election and casting of the affirmative majority vote provided for in this act.

Approved March 12, 1884.

CHAPTER 392.

AN ACT to incorporate the Kentucky Nursery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Wm. S. Pryor, L. M. Sanford, Jacob S. Smith, Wm. Carroll, W. E. Clubb, and John W. Mathews, or any three of them, their successors, associates, or assigns, be, and they are hereby, created a body-politic and corporate, under the name and style of the Kentucky Nursery Company ; and by that name shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded ; to take, hold, and convey both real and personal property ; to make all necessary by-laws and regulations for the government of the corporation and the management of its affairs ; and to do all other acts necessary or incident to the nursery business.

§ 2. The principal office or place of business of the corporation shall be at or near New Castle, Kentucky.

§ 3. The capital stock of the corporation shall be five thousand dollars, divided into shares of one hundred dollars each, but may be increased by a vote of a majority of the stock to any sum not exceeding one hundred thousand dollars.

§ 4. Each stockholder shall be entitled, either in person or by written proxy, to cast one vote for each share of

paid-up stock held by him ; and a majority of the capital stock of the corporation shall constitute a quorum for the transaction of business at all meetings of the stockholders.

§ 5. The affairs of said corporation shall be controlled by a board of three directors, who shall be chosen annually by the vote of a majority of the stock at the regular meeting of the stockholders, to be held, after an organization has been effected, on the first Saturday in May of each year ; and if for any reason said election fail to be held at the time specified, the officers shall hold over, and another meeting be held at any time for the election of directors at the instance of any stockholder, and after notice of the same shall have been given to all stockholders ; and a record of stockholders' meetings, as well as of the meetings of the directory, shall be kept by the secretary of the board, subject to the inspection of any stockholder at any time.

§ 6. The directors shall appoint from their number a president, secretary, and treasurer, and shall define their duties. They shall also have power to employ a general manager, and to fix his duties and compensation.

§ 7. The corporation shall continue for the term of ninety-nine years from the passage of this act, but it may be dissolved at any time by a vote of two thirds of the stock. The private property of the stockholders shall be exempt from the debts of the corporation.

§ 8. This act shall take effect from its passage.

Approved March 12, 1884.

CHAPTER 393.

AN ACT, entitled "An act to establish a free ferry across the Cumberland river, near Smithland, in the county of Livingston."

WHEREAS, The county of Livingston is divided by the Cumberland river into two distinct separate parts, and Smithland, the county site, is situated on the south bank of said river, and the citizens of all parts of the county are compelled to go to said county site to attend to county, official, and legal matters, and those residing north of said river are compelled to cross said stream in going to and from said

county site at all seasons, and at a very heavy expense for ferriage; and whereas, the point at which the ferry over said river is at present located is in high water inaccessible and often dangerous and hazardous, and, all things considered, it is to the best interest of the people of said county that a free ferry should be established across said river in said county, near Conants mill, a short distance above the present town boundary of the town of Smithland; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a ferry be, and is hereby, established across the Cumberland river from a point at or near the mill of P. H. Conant, on the south side of said river, to the north side of said river, as nearly opposite as may be practicable, to be and remain established for a period of fifty years.

§ 2. That said ferry shall be kept and continued by the county court of said county for the use and benefit of all persons desiring to cross said river at said ferry, and said ferry shall be under the management and control of said county court, and no ferriage shall be charged or collected of any person or their property who may be crossed over said river at said ferry.

§ 3. That the county court of said county shall furnish a good, safe, substantial, and sufficient ferry-boat, and a safe and substantial skiff, to be used in connection with said ferry and ferry boat, and shall keep said boat and skiff at all times in good and safe repair, for the use of all persons desiring to cross said river at said ferry from or to either side of said river.

§ 4. That the judge of the county court shall have a general supervision of the manner in which said ferry may be conducted, under such rules and regulations as the county court, consisting of the county judge and associate justices of Livingston county, may make from time to time.

§ 5. That for the expense of maintaining and operating said free ferry, the county court of the county of Livingston is hereby authorized and empowered to assess and levy an ad valorem tax upon all the property in said county, not, however, to exceed ten (10) cents on each one hundred

dollars' worth of property in said county subject to State revenue; said tax to be levied each year for the expense of said ferry for the year said levy is made: *Provided, however,* That said levy shall be made on the property in said county situated only in that portion of said county on the south side of said river.

§ 6. Before this act shall be enforced, the county court of said county shall cause an election to be held at each of the voting precincts in said county situated on the south side of said river, on the fourth Saturday in May, one thousand eight hundred and eighty-four; at which elections all the legal voters of each of said precincts shall be allowed to vote at the place and in the manner now provided by law in county elections; and notices of the said election shall be given by posting printed notices thereof at the court-house door in the town of Smithland, at three or more public places in each of said precincts, and at each voting place therein, for at least thirty days before the said election. The said county court shall appoint the officers to hold said election, and in making said appointments to have due regard to the general laws on that subject. That in making out the poll-books for the voting places in said precincts, for the purpose of taking the vote on said question, the clerk shall prepare one column in which to record the votes of those who are in favor of the levy of the said tax; and the said poll-books shall be delivered by the sheriff to the several clerks of the election. The clerk of said election shall propound to each voter at said election the question: "Are you for or against the tax to establish a free ferry across Cumberland river at or near Smithland?" and if said voter answers affirmatively, then his vote shall be so recorded; and if he answers negatively, then no entry shall be made of it on said poll-book; and if a majority of all the legal voters of the said election precincts shall be in favor of the levy of said tax to establish and maintain said ferry as set out in this act, then said ferry shall be established and maintained; and said county court shall then proceed to levy said tax, and have same collected by and under proper and legal orders; and in order to ascertain whether

or not a majority of all the legal voters of the said election precincts are in favor of the levy of the said tax to establish and maintain said ferry, the officers comparing the polls shall refer to the assessor's books, and count thereon each individual assessed thereon for the purpose of county levy or poll-tax in the said election precincts, and from that result determine whether the majority have voted for the levy of said tax and maintenance of said ferry.

§ 7. That all tax collected under this act shall remain in the hands of the sheriff or collecting officer of said county, and drawn therefrom and applied, upon the written order of the county judge of said county, as the necessities of the ferry may require.

§ 8. That the sheriff or collecting officer, before proceeding to collect the tax herein provided for, shall execute bond, with good and approved surety, in the Livingston county court, for the faithful discharge of his duties; and to account for and pay over in due time to the proper person any and all money collected by him under the provisions of this act; and him and his sureties shall be responsible upon his said bond for all money collected under the provisions of this act. For any violation or failure to perform the duties imposed by this act under said bond, suit may be instituted and carried on in the circuit court of Livingston county.

§ 9. This act to take effect from and after its passage.

Approved March 12, 1884.

CHAPTER 394.

AN ACT to charter the Mount Zion and Munday's Ferry Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and the same is hereby, incorporated under the name and style of the Mount Zion and Munday's Ferry Turnpike Road Company; said road to begin at some point on the turnpike between Pleasant Hill and Brooklyn, in Mercer county, Kentucky, and running to

the nearest practicable point on the Munday's Ferry Turnpike; and by said name and style shall have perpetual succession; and may sue and be sued, plead and be impleaded, and as such is hereby vested with all the powers enjoyed by similar corporations in the Commonwealth.

§ 2. The following persons are appointed commissioners to receive subscriptions of stock to said company, viz: James McGarvey, John Champion, Spencer Coghill, Mercer Gordon, Abe Chaplin, Dave Biset, E. H. Davis, and said persons are authorized to open books and receive subscriptions at any time and place they may deem proper.

§ 3. The capital stock of said company shall be divided into shares of fifty dollars each; and the entire capital stock shall not exceed the amount necessary to construct said road and toll-house, at which toll may be collected as allowed to a whole gate by the General Statutes.

§ 4. When a sufficient amount of stock shall be subscribed to justify the beginning of said road, the commissioners, or such of them as may act, shall, at such time and place as they may deem proper, call a meeting of the stockholders, and hold an election for a president and four directors for one year, or until their successors are elected and qualified.

§ 5. The width of said road, and the width of that part covered with metal, and the depth of the broken metal, the size thereof, and the grade of said road, as also the elevation, shall be determined by the directors, a majority of whom shall constitute a quorum to transact business.

§ 6. Said directors shall locate said road on the most practicable route for that purpose; may, with their engineers, chain-carriers, and so forth, enter upon the lands and highways along said route, and lay off and locate the same; said company may also go upon the lands or inclosures contiguous or near to their road, to examine any land, quarries of stone, or other material necessary for the construction or use of said road; and if the directors and owner or owners of said land or other material cannot agree as to price of land or other material, the officers of said company may apply to the Mercer county court for a writ.

of *ad quod damnum* to assess the damages to the land or value of material to be used; and after a tender of the amount of the damages to such owner, the company may, with any and every appliance necessary in the construction of said road, enter upon such lands and make said road.

§ 7. It shall be the duty of the president and directors to appoint one of their directors treasurer, who shall execute bond with approved security, and shall be responsible for all moneys of the company, subject to the order of the president; and he shall keep an account of the receipts and expenditures of said company in a book kept for that purpose, which shall be open to the inspection of any stockholder in said company.

§ 8. The county court of Mercer county, a majority of the justices of the peace of said county concurring therein, are hereby authorized to subscribe to the capital stock of said company in an amount not exceeding fifteen hundred dollars per mile, should they deem it, in their discretion, necessary to be done.

§ 9. This act to take effect from and after its passage.

Approved March 12, 1884.

CHAPTER 396.

AN ACT to incorporate "The Washington County Railroad District," and to define the powers, duties, and privileges of the same.

WHEREAS, The progress of the people of Washington county and the district hereinafter described is greatly retarded for the want of a railroad through or into said county or district; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a body-politic and corporate is hereby constituted and created of the people now residing, or may hereafter reside, in that portion of Washington county, Kentucky, embraced by the following boundary, to-wit: Beginning at a point in the line between Marion and Washington counties where the Beech Fork crosses said line; thence down said Beech Fork to the dirt road near the mouth of the east

prong of the Beech Fork; thence in a northern direction with said road as it meanders to the Springfield and Perryville Turnpike; thence with said pike, in an eastern direction, to a dirt road passing near the residence of Samuel Turner, and intersecting said pike near Samuel Pipe's residence; thence with said dirt road in a northern direction as it meanders to the eastern boundary of Springfield election precinct number two; thence in a northern direction with the line of said precinct number two, between said precinct number two and Botsville election precinct (precinct number three), to the line of Springfield election precinct number nine; thence in a northern direction, between said precinct number nine and Mackville election precinct (precinct number five), to the dirt road passing Carter's old mill; thence in a northern direction with said road to the Springfield, Pleasant Run, and Mackville Turnpike; thence in a southern direction, diagonally across said turnpike, to the dirt road intersecting said pike near E. B. Adams' residence; thence in a western direction with said dirt road as it meanders to the line between Springfield election precinct number nine and Mackville precinct (precinct number five); thence in a northern direction with the line of said precinct number nine to the line of the Willisburg election precinct (precinct number four) to the northern boundary of Springfield precinct number nine; thence with said boundary of said precinct to the line of Glenville election precinct (precinct number seven); thence in a northern direction with the boundary line between said precinct numbers seven and four to the line between Nelson and Washington counties; thence in a southern direction with the line between said counties to the Springfield and Bardstown Turnpike; thence in an eastern direction with said turnpike road as it meanders to the line between said Springfield election precinct number nine, and Fredricktown election precinct (precinct number one); thence in a southern direction with the line of said precincts numbers one and nine to the line between said precinct number one and Springfield election precinct number two; thence in a northwestern direction with the line between said precincts numbers one and two to the line

between Marion and Washington counties; thence in an eastern direction with the line between Marion and Washington counties to the beginning. The name and style of said corporation shall be "The Washington County Railroad District," and by which name it may sue and be sued, acquire and hold property to the extent hereinafter named, and do all other acts that may be necessary to carry out the true intent, meaning, and purpose of this act not herein provided for.

§ 2. It shall be lawful for said corporation to subscribe for and purchase any amount of the interest-bearing first mortgage bonds of any railroad company that will construct a railroad through or into said district, not exceeding one hundred and fifty thousand dollars, upon such terms and conditions as may be provided for in the order submitting the vote to the people of said district, which terms and conditions must be the same as contained in the petition of the citizens of said district and the president of the railroad company, as hereinafter provided.

§ 3. It shall be the duty of the judge of the Washington county court, when petitioned by not less than twenty-five legal voters of said district, and the president of any railroad company proposing in good faith to construct a railroad into or through said district, by which said district will be connected by continuous line or lines of railroad with the cities of Louisville, Kentucky, Cincinnati, Ohio, or Nashville, Tennessee, to order an election to be held in said district, at which election there shall be submitted to the legal voters residing therein the question whether or not the said Washington County Railroad District shall purchase the amount of railroad bonds to be named in the order submitting said question; said judge shall also in said order fix the time, place or places in said district that such vote shall be taken; also appoint the officers to conduct such election, which shall be the same for each voting place as is by law required in electing county officers. It shall be the duty of said judge to advertise the time, place, object, and condition upon which such vote is to be taken by printed notices, one of which shall be posted at the court-

house door in Springfield, Kentucky, and in ten or more public places in said district for not less than thirty days immediately before the day of such election. Said officers of election shall be sworn to faithfully perform their duties ; also, after said vote is taken, shall certify the vote in the same manner as other elections are required to be certified under the laws of this State, and will return the poll-books to the office of the clerk of the Washington county court. After said poll-books shall have been returned as herein provided, the said judge, together with the sheriff of Washington county and clerk of the Washington county court, shall, within five days after such election, examine and compare the vote taken as herein provided, the result of which shall be entered of record upon the order-book in the office of the clerk of the Washington county court, which order shall evidence of the result of said election.

§ 4. If a majority of the voters voting at such election should vote in favor of purchasing said bonds, it shall be the duty of the judge of the Washington county court to appoint three commissioners, who shall hold their offices for twelve months, and until their successors shall be appointed and qualified. Said county judge shall have power, and it shall be his duty, to issue the bonds of said district, with coupons attached ; which bonds shall be signed by himself and countersigned by the clerk of the Washington county court, with the seal of his office affixed, and the coupons signed by said clerk for an amount equal to the amount of railroad bonds voted to be purchased as herein provided. The bonds of said district shall be negotiable and payable to the railroad company from which the commissioners shall purchase the railroad bonds as herein provided, or to bearer, and in the city of Louisville, Kentucky, and at the bank of Louisville in said city, and at not more than twenty years after the date of issue, with the privilege to pay or redeem same five years from their date ; and shall bear interest at the rate of six per centum per annum, payable semi-annually in said city and at said bank. When said bonds shall have been issued as herein provided, the said county judge shall deliver said bonds to said commissioners,

who will sell them at not less than par, and with the proceeds thereof purchase said railroad bonds at their market value, not, however, exceeding par; or they may exchange said district bonds for such railroad bonds in equal amounts. The railroad bonds acquired by said commissioners, as herein provided, shall belong to and be the property of said district: *Provided*, That before said commissioners shall dispose of said district bonds, the conditions upon which said vote was taken must be complied with.

§ 5. Before receiving any of said district bonds, said commissioners shall elect one of their number treasurer, also shall, before he enters upon the discharge of his duties, execute bond before the judge of the Washington county court, with good security, to be approved by said judge, for the faithful performance of his duties. Said bond shall be payable to said district. Said treasurer, after he has executed bond as herein provided, shall be the custodian of the property or funds belonging to said district, and be liable on his said bond, together with his securities, for the faithful discharge of his duties, and for all money or property that may come to his hands as such treasurer.

§ 6. The commissioners appointed as above provided shall have charge of all the business and management of the affairs of the said Washington County Railroad District; may institute and prosecute suits in the corporate name of said district, and do all other acts in its name to protect its interest or to accomplish the true intent and purpose of this act; they shall have power to collect the principal or interest due upon the railroad or other bonds or securities that may belong to said district and may sell such bonds or other securities, and with the proceeds purchase said district bonds, or make any other investment or use of the proceeds that, in their judgment, will be to the interest of said district.

§ 7. It shall be the duty of said commissioners, through their treasurer, to pay the interest on said district bonds as it becomes due, out of any money that may be received from any source. They shall have power to redeem any bonds of said district after five years from their date; and notice

published in any daily paper published in the city of Louisville, Kentucky, for ten days, by said commissioners, that any of said bonds are called for redemption, shall be deemed notice to all holders or owners of such bonds, and the interest on such called bonds shall cease after the expiration of such notice.

§ 8. It shall be lawful for said district, by said commissioners, to receive conveyances from any owner to the right of way for a railroad through or over such owner's lands in Washington county, of such width as may be agreed upon; also any earth, timber, stone, or gravel that may be needed for constructing a railroad; and it shall be lawful for said district to own and hold such right or property, or to sell the same to any other person or corporation, upon such terms as may be agreed upon by said commissioners.

§ 9. If from any cause said commissioners should be unable to pay the interest on said district bonds, or pay said bonds at maturity from the proceeds of any securities or property that may be owned by said district, as herein provided, it shall be the duty of said commissioners to notify the judge of the Washington county court of such fact, when said judge shall, by an order entered of record in the office [of] the clerk of the Washington county court, levy at such time as said commissioners may recommend, a tax on the property in said district listed for taxation for State revenue, sufficient to realize a fund to pay any deficit on the obligations of said district that may occur, and to create a fund sufficient to pay said district bonds at maturity, or prior to that time, if said commissioners deem such course for the best interest of said district, not, however, exceeding one half of one per cent. for any one year. It shall be the duty of the sheriff of Washington county to collect said tax; he shall pay the same to said treasurer at such times and in like manner as is by law provided for the payment of the State revenue. To enable said sheriff to collect said tax, he is allowed the same powers to distrain and sell property liable therefor, both real and personal, and to do all other acts to collect said tax as he is by law empowered to do in collecting the State revenue, and is likewise empowered to

make conveyance of property sold for said tax as he might do if sold for said State revenue tax.

§ 10. It is further enacted, that if the sheriff fails or refuses to act, the judge of the Washington county court may appoint a special collector of said tax, also shall hold his office for two years; said collector shall have the same powers, to collecting said tax, as is herein conferred on the sheriff; but before such collector shall act, he shall be sworn to faithfully discharge his duties, and shall execute bond for the faithful discharge of his duties, with good security, to be approved by said judge. Said collector shall account for and pay over such tax as hereinbefore required of said sheriff.

§ 11. Should the line of said district divide or pass through the lands of any person residing in said district, such person shall pay the tax on all lands owned by him outside of such district that joins land inside of the same.

§ 12. If any of said district bonds shall be delivered to any railroad company by said commissioners in exchange of its railroad bonds, as provided in section four of this act, said railroad company shall, before it offers them elsewhere, offer them for sale at the First National Bank of Springfield, Kentucky, at par and interest, if any should then be accrued, to the citizens of Washington county, Kentucky.

§ 13. It shall be the duty of the judge of the Washington county court to settle the accounts of said treasurer, collector, or sheriff at least once a year, and he may compel either of said settlements by rule or other proper proceeding, which settlement shall be recorded as an administrator's settlement.

§ 14. This act is declared to be a public act, and shall be taken knowledge of by all courts of this Commonwealth, and shall take effect and be in force from and after its passage.

Approved March 12, 1884.

CHAPTER 397.

AN ACT to amend an act incorporating the Paducah and North Ballard Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act incorporating the Paducah and North Ballard Turnpike Road Company be amended as follows: The Paducah and North Ballard Turnpike Road Company is hereby authorized to loan to the Paducah, Hinkleville, and Blandville Gravel Road Company, from time to time, an amount of money not exceeding in the aggregate three thousand dollars; and to take a mortgage upon its franchises, right of way, road, and road-bed, tolls, income, and other property, to secure the payment of any such loan or loans; and in the event said Paducah, Hinkleville, and Blandville Gravel Road Company shall fail to pay its bonds or obligations, and shall be sold by decree of court, then the Paducah and North Ballard Turnpike Road Company may buy said road at such judicial sale, and it shall become a part of its road, and be operated and controlled as part of its road under its charter.

§ 2. And whereas, said road has been washed and damaged by the recent overflow and floods from the Ohio river; time is hereby granted said company until January first, one thousand eight hundred and eighty-five, to put said road in repair; and said company shall not be liable to prosecutions or damage suits, because of said road being out of repair, while no tolls is charged until January first, one thousand eight hundred and eighty-five.

§ 3. The act approved February sixteen, one thousand eight hundred and eighty-four, is hereby repealed.

§ 4. This act shall take effect from and after its passage.

Approved March 12, 1884.

CHAPTER 399.

AN ACT for the benefit of A. B. Miller, late sheriff of Daviess county, and his sureties and creditors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of settling the business and protecting the sureties and creditors of A. B. Miller, late sheriff of Daviess county, R. S. Triplett is hereby constituted receiver of and for all taxes, fees, and moneys payable to said Miller as such sheriff, with full powers to receive, collect, and distrain or levy for such taxes, fees, and moneys, in such manner as sheriffs are authorized to do in like cases.

§ 2. That I. Frank Simpson is hereby constituted deputy sheriff for said A. B. Miller, with all the powers of a deputy sheriff as to the collection of such fees, taxes, and moneys, and as to the execution and completion of all process in the hands of, or requiring execution by, said Miller as sheriff, or his deputies. And said Simpson shall act for and report to said R. S. Triplett, and pay to him such sums as may be collected, in like manner as if said Triplett were sheriff in lieu of said Miller; and in the event of said Simpson's failure to act as such deputy, the said Triplett may, and is hereby authorized to, appoint a deputy for the aforesaid purpose, who shall be qualified as deputy sheriffs are now required to be by law.

§ 3. Before said R. S. Triplett and I. Frank Simpson shall proceed, or be authorized to discharge the duties and functions devolved upon them by this act, the sureties of said A. B. Miller must first have given consent to remain bound as before the passage of this act; and such consent shall be in writing, filed in the Daviess county court clerk's office, and attested by the clerk of said court, whose duty it shall be to transmit a copy of said writing to the Auditor.

§ 4. This act shall be in force from its passage.

Approved March 15, 1884.

CHAPTER 400.

AN ACT for the benefit of E. G. Ray, of Oldham county.

WHEREAS, On the nineteenth day of September, one thousand eight hundred and eighty-one, a license to keep a tavern, with the privilege of retailing liquor, was granted to E. G. Ray by the Oldham county court, and the tax of fifty dollars due the Commonwealth was paid by him; and whereas, an appeal from the order granting said license was prosecuted by the county attorney of said county, and said order was, on the tenth day of March, one thousand eight hundred and eighty-two, reversed and set aside by the Oldham circuit court; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of this Commonwealth be, and he is hereby, directed to draw his warrant on the treasurer in favor of said E. G. Ray for the sum of twenty-eight dollars and fifty cents, payable out of any money in the treasury not otherwise appropriated, said sum being one half of the tax paid by said Ray to the Commonwealth, with interest from the date of payment.

§ 2. This act shall take effect from its passage.

Approved March 15, 1884.

CHAPTER 401.

AN ACT to amend an act, entitled "An act to incorporate the Central Passenger Railroad Company"

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Central Passenger Railroad Company," approved the twentieth day of December, one thousand eight hundred and sixty-five, be, and the same is hereby, so amended as to authorize and empower said company to extend its lines of double track street railway from the intersection of Nineteenth and Walnut streets along Nineteenth street to Bank; thence along Bank street to Thirty-third street; thence along

Thirty-third street to High Avenue; thence along High Avenue to Thirty-fifth street; thence along Thirty-fifth street to Water street (or Portland Wharf); thence along Water street (or Portland Wharf) to a point near the ferry landing, upon the terms and conditions of an ordinance of the city of Louisville in relation thereto, entitled "An Ordinance in regard to the Central Passenger Railroad Company, granting the extension of its lines," approved the twenty-fifth day of January, one thousand eight hundred and eighty-four, and the provisions of this act; are all ordinances of said city, or laws, whether general or special, in conflict with this act, are hereby repealed.

§ 2. This act shall take effect from and after its passage.

Approved March 15, 1884.

CHAPTER 402.

AN ACT to amend and reduce into one the several acts constituting the charter of incorporation of the National Mutual Benefit Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate The National Mutual Benefit Association," approved the sixth day of April, one thousand eight hundred and seventy-eight, and the several acts amendatory thereof, be, and the same are hereby, so amended by adding thereto and striking therefrom, that the charter of said corporation shall, on the whole, read as follows:

§ 2. John T. Moore, John T. S. Brown, George E. Cook, Fred. de Funiack, R. M. Kelly, H. W. Hunter, W. B. Hoke, Thomas H. Hays, the present board of directors, and their successors, be, and they are hereby, created a body-corporate, under the name of the National Mutual Benefit Association; to have perpetual succession, with the right to acquire and hold real and personal property not exceeding one hundred thousand dollars, with the power to confer benefits and charities as herein provided, to make contracts, to sue and be sued, and transact all business in its corporate name for its cor-

porate purposes, and to use a corporate seal, renewable or changeable at pleasure.

§ 3. The persons herein named, as above, or a majority of them, may constitute a board to do business, and may proceed at pleasure to organize fully, and receive as members all clergymen, physicians, lawyers, and their wives, and such persons as may be recommended by a member of either of these professions, of good standing, sound health and constitution, and who shall pass a satisfactory medical examination, approved by the medical director, and [be] between the ages of eighteen and sixty years. The separation of the members of this association into divisions is abolished, and all members are merged into the first division, which shall be unlimited in number: *Provided, however,* That persons now holding certificates of membership in the second division may, within six months after the approval of this act, if they shall so elect, surrender said certificates, and receive, in lieu thereof, certificates similar in tenor and effect to those now held by members of the first division, the annual dues and assessments thereafter payable by them to be such as they would have been at the time of admission, if such persons had been placed originally in the first division: *Provided further,* That persons in the second division, who shall decline or fail so to exchange their certificates, shall remain members of said second division, with all rights and privileges conferred by their contracts of membership, and as to them, and for their benefit, the said division is continued in force: *And provided further,* That except as to persons now holding certificates of membership in both divisions, only one certificate shall be issued to the same person.

§ 4. The amounts to be paid into the treasury of the corporation by its members shall consist of membership fees, annual dues, mortuary or assessment fees, the accounts of which respectively, and the time and manner of payment thereof, shall be fixed and determined by the by-laws; but the amount paid, and to be paid, by any member shall be distinctly set forth in his certificate of membership, and shall not, without his consent, be increased. But the annual

dues shall be at the rate of four dollars per annum, and payable by each member on the first Monday in January of each year.

§ 5. Upon the admission of any person to membership, he shall receive a certificate of membership, which shall express on its face the duties and obligations of such member, and the benefit to accrue to the beneficiary named therein on the death of such member. If the beneficiary named in the certificate of membership should die before such member, or if the interest of such beneficiary in the life of the member should cease, then the member may, with the assent of the association first given, change the beneficiary named in the certificate. But if no such change be made, the benefit shall be payable to the personal representatives of the beneficiary. No such change shall be valid unless the certificate shall have been returned to the association with the proposed change indorsed thereon, and signed by the member, and attested by a witness—the assent of the corporation being also indorsed on the certificate and signed by the secretary thereof. The word “beneficiary,” as used herein, may embrace one or several persons named in the certificate of membership as entitled to the benefit thereof. Every application for change of beneficiary shall be accompanied by a fee of one dollar. Nothing herein shall be construed as permitting a recovery under a certificate of membership by one who had not at the death of the member an insurable interest in his life.

§ 6. Out of the membership fees, annual dues, and other fees, together with the twenty (20) per centum to be deducted from assessments as provided for herein, shall be paid the expenses of the association, and the residue shall constitute a reserve fund, from which death benefits may be paid at the discretion of the board of directors, so as to dispense in whole or in part with assessments on the members.

§ 7. Upon the death of a member, and the filing of the proofs of death required with the secretary of the association, it shall be the duty of the association (except as herein otherwise provided) by its secretary, or other designated

officer, to give written notice thereof to each surviving member of the association, and within thirty (30) days from the date of such notice each surviving member shall pay into the treasury the assessment or mortuary fee stipulated in his certificate of membership. From the amount so paid in shall be deducted twenty (20) per centum for reserve fund and expenses, and within sixty (60) days from filing of proofs of death, the residue thereof shall be paid to the beneficiary named in the certificate of such deceased member, not to exceed, however, the sum of four thousand dollars; and such sum shall be in full discharge of all claims under such certificate. If, after such deduction and payment, there shall be an excess arising from such assessment, it shall be applied to the payment of the next occurring death benefit or benefits; and no assessment shall be made for a subsequent death benefit so long as the association shall have in hand from such source a sum sufficient to pay the same. Death benefits shall be payable at the office of the company in Louisville.

§ 8. Any member of the association failing to pay his annual dues or any assessment, as required by the charter or by-laws, within thirty (30) days after the date of notice thereof, given as required herein, shall thereupon, *ipso facto*, and without other notice or proceeding, cease to be a member of this association, and his certificate of membership shall be void and of no further effect. Notice of annual dues and assessments, and any other notice or communication to a member required by the charter or by-laws of this association, may be given by depositing such notice in the mail, addressed to such member in accordance with such directions as may be given by him, from time to time, to the association at Louisville, Kentucky, and entered on its books. Such mailing shall be equivalent to personal service of such notice. The period of thirty (30) days allowed for the payment of annual dues and assessments shall be computed from the date of mailing. Should any member change his place of residence, it shall be his duty to give information thereof to the association at Louisville, Kentucky, with his post-office address, which address shall be noted on the books of the association.

§ 9. If a member shall have lost his membership by failure to pay an assessment, as provided in section eight hereof, he may, within one year from the date of loss of membership, be reinstated, if he shall make application therefor in writing, accompanied with a certificate of good health from a medical examiner approved by the medical director of the association, and pay all arrearages accrued for annual dues and assessments. The board of directors may, from time to time, prescribe other methods for reinstatement of members within not more than fifteen days from the time of such cessation of membership. The giving of notice of annual dues, or of assessments falling due subsequent to a cessation of membership, as above provided, shall not be considered as a waiver of the failure to pay or as a restoration to membership.

§ 10. No part of the interest of any member of this association shall be subject to any debt, obligation, or liability of such member, nor to any legal or equitable process which may alienate from the beneficiary named in the certificate the benefits thereof.

§ 11. Upon notice to the association of the death of a member, it shall be the duty of the secretary to forward immediately, to the beneficiary named in the certificate of membership of such deceased member, blank forms for the "proofs of death," and the proofs of death shall be made upon such forms. These forms may require answers under oath by the beneficiary to any questions touching the facts stated in the application for membership, or for reinstatement; and the facts, circumstances, and cause of death; and also such statements relative to the same matters from physicians, undertakers, or others, as may be required by the by-laws. If the beneficiary shall be an infant, or otherwise incapable of acting, then the guardian, or other person having custody of the estate of such beneficiary, shall make the proofs as required. No action shall be maintained on a certificate of membership until the proofs of death shall have been made and furnished to the association as required herein. No action shall be brought on the certificate of membership after one year from the death of a member.

§ 12. It shall be competent for the corporation to stipulate in its certificates of membership for an exemption from liability, in the event of the death of a member occasioned by suicide, whether he be sane or insane, or by the use of intoxicating liquors, stimulants, or narcotics, or by engaging in hazardous occupations, or by reason of a violation of any penal laws, or by a violation of any material stipulation of the contract of membership. The application for membership shall be considered and treated as the basis, and a part of the contract of membership.

§ 13. The office of the corporation shall be located at Louisville, Kentucky, and the persons herein named shall constitute the first board of directors. The election of a new board of directors, which shall consist of not less than seven members, shall take place annually on the first day of May, unless it occurs on Sunday, when the election shall take place the next day. Notice of the time and place of holding an election for directors shall be given ten days before holding such election, in a daily paper in Louisville, Kentucky. Similar notice shall be printed or stamped on the assessment notice sent to members next preceding such election. Members of the association shall be entitled to vote at all elections of directors in person or by proxy, but no proxy shall be valid unless given in writing within one year preceding the election at which such proxy is offered.

§ 14. The board of directors shall, from their own number, elect as officers of the association a president and vice president, who shall hold office for one year, and until their successors are elected and installed. The board of directors shall also appoint a secretary, a treasurer, a medical director, and an auditor. The secretary and treasurer shall hold office for one year, or during good behavior; the medical director and auditor at the pleasure of the board. The office of secretary and treasurer may be held by the same person, if the board so determine. Should a vacancy occur at any time in the board of directors, the remaining members shall have power to fill the same. A majority of the directors shall constitute a quorum to do business, and, in the absence of the president or vice president, shall select one of their own number to preside.

§ 15. The board of directors shall have power to make by-laws for the government of the association, to appoint such officers and agents as they may deem expedient, to define the duties, and fix the salaries and remuneration of its officers and agents, and the amount and conditions of such bonds as may be required of them; it shall determine the time and manner of holding elections, and regulate all regular and called meetings of the board; it may establish agencies, branch offices, and local boards in or out of this State, and do all other acts necessary to facilitate and carry out the purposes and objects of this charter, and shall have and exercise all the powers of the corporation. Such bonds as may be required in accordance with this section may be recorded in the bond and power of attorney book in the Jefferson county clerk's office, and certified copies thereof shall be admitted as evidence in any court of this State.

§ 16. The by-laws may prescribe a method for the expulsion of a member in the case of his having falsely answered questions in his application for membership or for reinstatement, in the event of the use by him of intoxicating liquors, opium, or other stimulants or narcotics, to an extent injurious to his health, or of violating the stipulations of the contract of membership.

§ 17. The objects of this corporation being of a benevolent character, it shall be free and exempt from the laws governing the life insurance companies of this Commonwealth, except as herein provided, and from all licenses and taxation, except as to real estate and personal property. The private property of officers and members shall not be liable for any debts of the corporation.

§ 18. That the board of directors shall cause to be made annually to its members, and to the Insurance Commissioner of the Commonwealth, a full report of the operations, the condition, and business of the association; and the affairs and business of said association shall be under the supervision of said Insurance Commissioner, and subject to investigation and inspection by him to the same extent, and in as full a manner, as by law life insurance companies now are, except that it shall not be subject to any assessment or

license to pay any part of the expenses of the Insurance Bureau.

§ 19. In case said corporation shall be dissolved, all money and property of every kind belonging to it shall be distributed equally amongst those who hold its policies or certificates of insurance at the date of dissolution.

§ 20. Nothing in this act contained shall affect the certificates of said association heretofore issued, or the rights of holders thereof, and no such certificate shall be withdrawn, and another of different tenor issued in lieu thereof, except by consent of its holder.

§ 21. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 22. This act shall take effect from its passage.

Approved March 15, 1884.

CHAPTER 403.

AN ACT to incorporate the Southern Pacific Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henry D. McHenry, Wm. G. Duncan, Samuel E. Hill, Samuel M. Cox, Henry McHenry, jr., and their associates and successors and assigns, be, and they are hereby, created and constituted a body-corporate and politic, under the name of the Southern Pacific Company, and as such shall have perpetual succession, and be capable in law to purchase, grant, sell, or receive, in trust or otherwise, all kinds of personal and real property, to such amount as the directors of said company may, from time to time, determine; and to contract and be contracted with, sue and be sued, plead and be impleaded, appear and prosecute to final judgments, all suits or actions at law or in equity in all courts and places; and to have and use a common seal, and to alter the same at pleasure; and to make and establish such by-laws, rules and regulations, for the government of said company and the the conduct of its business as said corporation or the stockholders therein shall deem expedient or necessary for the management of its affairs, not inconsistent with the

constitution and laws of this State or of the United States; and generally to do and execute all acts, matters and things which may be deemed necessary or convenient to carry into effect the powers and privileges herein granted: *Provided, however,* That said corporation shall not have power to make joint stock with, lease, own or operate any railroad within the State of Kentucky.

§ 2. The said corporation is hereby authorized and empowered to contract for, and acquire by purchase or otherwise, bonds, stocks, obligations, and securities of any corporation, company, or association now existing, or hereafter formed or constituted, and bonds, obligations, and securities of any individuals, State, territory, government or local authorities whatsoever, and to enter into contracts with any corporation, company, or association, individuals, State, territory, government, or local authorities, in respect of their bonds, stock, obligations, and securities, or in respect of the construction, establishment, acquisition, owning, equipment, leasing, maintenance, or operation of any railroads, telegraphs, or steamship lines, or any public or private improvements, or any appurtenances thereof, in any State or territory of the United States, or in any foreign country, and to buy, hold, sell, and deal in all kinds of public and private stocks, bonds, and securities; and said corporation may borrow and loan money, issue its own bonds or other evidences of indebtedness, and sell, negotiate, and pledge the same, to such amounts, upon such terms, and in such manner as may, from time to time, be determined by the directors of said corporation; and it may mortgage all or any part of its property, assets, and franchises to secure such bonds and the interest thereon, on such terms and conditions as shall on that behalf be prescribed by its board of directors.

§ 3. The capital stock of said corporation shall be one million dollars, divided into shares of one hundred dollars each; which shares shall be deemed personal property, and may be issued, transferred, and forfeited for non-payment in such manner as the board of directors of such corporation may determine; and no person shall be in anywise liable as a stockholder of said corporation after said capital stock to

such amount of one million dollars shall have been paid in cash, and a certificate to that effect signed and sworn to by the treasurer and a majority of the board of directors of said corporation shall have been filed in the office of the Secretary of State of this State; nor shall the said corporation, nor any of the officers or agents thereof, be thereafter bound to make any further returns or certificates: *Provided, however,* That if, after the payment of such capital stock, any part thereof shall be withdrawn for or refunded to any of the stockholders when the property of the corporation is insufficient or will be thereby rendered insufficient for the payment of all its debts, the stockholder receiving the same shall be bound and obliged to repay to said corporation or its creditors the amount so withdrawn or refunded.

§ 4. Any two of the persons above named as corporators of said corporation may call the first meeting for the organization of such corporation at such time and place as they may appoint, by mailing a proper notice of such meeting to each of such corporators at least ten days before the time appointed; and in case a majority of such corporators shall attend such meetings, either in person or by proxy, they may open books for subscriptions to its capital stock; and whenever five hundred thousand dollars shall be subscribed and ten per cent. of said subscriptions shall be paid in cash, the stockholders of said corporation may organize the same, and said corporation may proceed to business.

§ 5. Each share of stock entitle the holder thereof to one vote, in person or by proxy, at all meetings of the stockholders; the holders of a majority in interest of the capital stock, present in person or by proxy, shall constitute a quorum. The corporation shall have a lien on all the stock and property of its members invested therein for all debts due by them to said corporation, which lien may be enforced in such manner as the by-laws shall prescribe.

§ 6. The stock, property, and affairs of said corporation shall be managed by a board of directors of such number, not less than three, as may be from time to time determined by the corporators or stockholders. The directors shall be

elected by the stockholders at such time and place, and in such manner, and for such terms, as the stockholders shall from time to time determine. Meetings of directors or stockholders may be held within or without the State. No person shall be elected a director who is not a stockholder of the corporation. A majority of the directors shall constitute a quorum of said board for the transaction of business. The directors shall appoint from their own number a president, and they shall also appoint a clerk and treasurer, and such other officers and agents as they may deem proper, to hold their offices during the pleasure of the board. In case of a vacancy or vacancies in the board, the remaining directors may fill such vacancy or vacancies. The capital stock of said corporation may be increased from time to time to such sum as may be determined by the board of directors of said corporation, provided such increase or diminution shall be approved by at least two thirds in interest of the stockholders of said corporation.

§ 7. The annual tax upon said corporation shall be the same as is now fixed by law for brokers' license: *Provided*, That all property owned by said corporation and situated in the State shall pay the same State and local tax as is assessed upon similar property. And capital stock in said corporation, owned by citizens of the State, shall be assessed against the holders thereof as choses in action under the equalization law.

§ 8. The company shall keep an office for the transaction of business, and the clerk or assistant clerk of said corporation shall reside within the State of Kentucky; but the said corporation may keep offices at such places outside of this State as in the judgment of its board of directors its business may from time to time require: *Provided*, That nothing herein contained shall be construed as granting any lottery or banking privileges.

§ 9. This act shall take effect immediately upon its passage.

Approved March 17, 1884.

CHAPTER 404.

AN ACT to amend an act incorporating the Paducah, Hinkleville, and Blandville Gravel Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act incorporating the Paducah, Hinkleville, and Blandville Gravel Road Company be amended as follows:

§ 1. That for the purpose of paying existing obligations, and repairing and keeping in repair its road and road-bed, said company shall have the right, and power is hereby granted said company, to borrow money from persons or corporations authorized to loan money, such sums or amounts as from time to time may be necessary to pay its existing obligations, or which may be necessary to keep the road and road-bed of said company in repair, or to repair the same.

§ 2. For the purposes herein set out, the board of directors of said company, by resolution, shall fix the amount at any time which they shall think necessary to borrow, and authorize the name of the company to be signed to any note or bond for such sum as the board of directors may fix; and the note or bond of the company shall be executed for the company by the president of the board of directors.

§ 3. To secure the notes or bonds herein authorized to be executed, or that may be executed for the purposes aforesaid, said board of directors shall have power by resolution to authorize a mortgage to be executed upon its franchises, right of way, road-bed, and all other property owned by said company, and also on its tolls and income, which mortgage shall be executed by said company, by the president of its board of directors, and acknowledged by said president, and when signed and acknowledged by him, and lodged for record, it shall be and become a security for the money loaned on the faith thereof, and a prior lien over all other liens for said debt, except prior mortgages, upon the property and franchises, tolls, and income embraced in the mortgage.

§ 4. If the company shall fail to pay the money so borrowed and secured by mortgage as herein provided, the

holder of said note or bond so secured by mortgage, may file a bill in any court of general equity jurisdiction in McCracken county to enforce said mortgage lien, and the court may render judgment for the sale of the franchises, right of way, road-bed, and other property of the company embraced therein, and the purchaser thereof under said judgment of sale shall acquire all the rights, franchises, right of way, road bed, and property so sold, and may organize a board of directors, and run and operate and control same as provided by its charter, with all the powers, rights, and privileges the said company now has under its charter.

§ 5. That said company, by reason of the amendment to its charter, approved February eleventh, one thousand eight hundred and eighty-two, shall not be liable to prosecution or indictment for failure to keep its road in repair prior to January first, one thousand eight hundred and eighty-four, the intention and purpose of said act being to release said company from prosecution and indictment prior to its passage, and up to January, one thousand eight hundred and eighty-four.

§ 6. The company or its successors shall not be required to extend its road, until stock sufficient is subscribed to build not less than half a mile, and no further than the subscription made from time to time will build or pay for the extension.

§ 7. And whereas, said road has been washed and damaged by the recent floods from the Ohio river, time is hereby granted said company to put its road in repair until January first, one thousand eight hundred and eighty-five, and said company shall not be liable to prosecution or damage suits because of said road being out of repair while no toll is charged until January first, one thousand eight hundred and eighty-five.

§ 8. This act shall take effect from its passage.

Approved March 17, 1884.

CHAPTER 405.

AN ACT for the benefit of John E. Campbell, Common School Commissioner of Perry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the commissioner of Leslie county, H. C. Napier, having failed to report the census of eleven (11) colored pupil children in his county to John E. Campbell, Common School Commissioner of Perry county (the district being a fractional district composed of parts of Perry and Leslie county), the Superintendent of Public Instruction is hereby authorized to draw his warrant on the Auditor of Public Accounts for fifteen dollars (15) and forty (40) cents, in favor of John E. Campbell, Common School Commissioner of Perry county, to be paid to the teacher of said district for the school year ending June thirtieth, one thousand eight hundred and eighty-four. The said amount to be paid out of the common school fund.

§ 2. This act to take effect from its passage.

Approved March 17, 1884.

CHAPTER 406.

AN ACT to prevent stock from running at large in Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person owning or having care of any horse, jack, jennet, mule, cattle, sheep, or hog, to permit the same to run at large in Pendleton county, and any person so offending shall be liable to such penalties as are prescribed and provided for in this act.

§ 2. Whenever any stock of the kinds mentioned in section one of this act shall be found running at large in said county, it shall be the duty of the sheriff or his deputies, or any constable of the district where such stock is found, to seize upon and impound said stock, and provide for their care and keeping until the owner or owners of such stock shall have redeemed them by payment of all fees and costs of every kind incident to said procedure.

§ 3. That any of the officers mentioned in this act, when either upon his own knowledge or information of others fails to take up such stock as is found running at large in said county, or fails to perform any one of the other duties required by this act, shall be subject to a fine of ten dollars for each offense, recoverable before any justice of the peace in said county.

§ 4. Whenever any stock shall be found trespassing upon the inclosure of any person, the owner of such stock shall be liable for all damages done, and for all fees and costs incident to the prosecution of such trespass, recoverable before any court of competent jurisdiction.

§ 5. For taking up stock running at large or committing trespass, the officer shall be entitled to the following fees: for each horse, jack, jennet, mule, or colt over six months old, one dollar; for each bull, cow, steer, heifer, or calf over six months old, fifty cents; for each sheep over three months old, twenty-five cents; for each hog over three months old, twenty-five cents.

§ 6. It shall be the duty of the officer making the seizure to give notice thereof within five days to the owner or keeper of such stock, if the same be known or can be ascertained by him, and shall also report such seizure, together with a written description of the stock seized, to the judge of the quarterly court, a police judge, or justice of the peace of the county; whereupon the owner of such stock shall be summoned, actually or constructively, to appear and show cause why said stock shall not be sold, and the costs and expenses of seizing, impounding, and caring for the same paid out of the proceeds. On the hearing, such judge or justice being satisfied by evidence (or a jury finding) that the stock was found running at large in violation of the provisions of this act, shall order the same sold in the manner and on the terms that like property is sold under execution, and the residue of the proceeds of the sale, after payment of costs and expenses, shall be paid to the owner. If the owner be unknown, such residue shall, at the next term of the county court of claims, be reported to said court by the judge or justice trying the cause and the

officer making the sale, and paid over to a receiver named by the court, who shall hold it until the owner appears and shows his right to it, when said court shall order it paid to him, less a suitable commission to the receiver to be fixed by the court; and bond, with surety, for the faithful performance of their duty, shall be required of said receiver: *Provided*, That the owner of any stock seized under this act may reclaim the same from the court or officer at any time before sale by paying such costs and reasonable expenses as may then have been incurred: *And provided further*, That the hearing mentioned may be at any time named in the summons after the owner or keeper has been summoned ten days.

§ 7. When farms are adjoining, there being a division fence between them, the provisions of the General Statutes in such cases made and provided shall govern.

§ 8. This act shall take effect from and after its passage, but shall not be carried into execution in said county unless a majority of the qualified voters of said county voting at the next August election to be held in said county, shall vote in favor of the adoption of the same; said vote shall be taken on the first Monday in August, one thousand eight hundred and eighty-four, and the officers of the county court of said county are hereby required to have the same submitted to a vote of the people of said county at said election, as under the law made and provided they are now required to provide for holding elections; and the judges of election, at the various voting precincts in said county, shall put the question to each and every voter: Are you in favor of the adoption of the present bill? to be answered by yes or no; and the clerks of said polls shall record the vote so given, and said votes shall be sealed and returned by said officers and counted by the board, whose duty it now is, under the law, to compare the polls, and certify whether the same was or not carried; and if a majority of those voting be in favor of the adoption of the same, then it shall go into execution immediately, otherwise it shall be null and void.

Approved March 17, 1884.

LAWS OF KENTUCKY.

CHAPTER 407.

AN ACT for the benefit of school districts numbers nineteen and thirty-one, Taylor county.

WHEREAS, By oversight of the commissioner of common schools for Taylor county, five pupil children were omitted in the census report of common school district number nineteen, and ten pupil children were omitted in district number thirty-one, for the school year ending June thirtieth, one thousand eight hundred and eighty-three; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his draft on the Auditor of Public Accounts in favor of H. C. Wood, commissioner of common schools for said county, for the sum of twenty dollars and eighty-five cents (\$20.85), on which shall be paid seven dollars and forty-eight cents (\$7.48), balance of unbonded interest due the county aforesaid on its surplus bond, and thirteen dollars and thirty-seven cents (\$13.37) out of the common school fund for the present school year ending June thirtieth, one thousand eight hundred and eighty-four.

§ 2. This act shall take effect from its passage.

Approved March 17, 1884.

CHAPTER 408.

AN ACT for the benefit of school district number eighteen, Taylor county.

WHEREAS, By oversight of the trustees of common school district number eighteen, Taylor county, for school year ending June thirtieth, one thousand eight hundred and eighty-four, nine pupil children were omitted in the census report of common school district aforesaid for said school year; said children of pupil age, between the ages of six and twenty years, resided in said district, and attended the free school for said district; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his draft on the Auditor of Public

Accounts in favor of H. C. Wood, commissioner of common schools for said county, for the sum of thirteen dollars and forty-one cents (\$13.41), which shall be paid out of the unbonded interest due the county aforesaid on its surplus bond.

§ 2. This act shall take effect from its passage.

Approved March 17, 1884.

CHAPTER 409.

AN ACT for the benefit of common school districts number fifteen and number twenty-six, in Boyle county.

WHEREAS, By the oversight of the common school commissioner of Boyle county twenty pupil children were omitted in the census report of common school districts number fifteen and number twenty-six, ten in each district, in Boyle county, for the school year ending June the thirtieth, one thousand eight hundred and eighty-three; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his draft on the Auditor of Public Accounts in favor of R. H. Caldwell, commissioner of common schools for said county, for the sum of twenty-eight dollars and forty cents (\$28.40), on which shall be paid eight dollars and forty-five cents out of balance of unbonded interest on the surplus bond of Boyle county, and nineteen dollars and ninety-five cents shall be paid out of the bonded school fund for the present school year ending June thirtieth, one thousand eight hundred and eighty-four.

§ 2. This act shall take effect from its passage.

Approved March 17, 1884.

CHAPTER 410.

AN ACT to amend the charter of the Kentucky University.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the treasurer of Kentucky University may pay out any money that may come into his hands upon the

order of the executive committee, indorsed by the chairman and secretary thereof.

§ 2. The transfer or disposal of the funds, certificates of stock, promissory notes, or other evidences of debt, belonging to the Kentucky University, may, in the intervals between the meeting of its board of curators, be made by the executive committee thereof; and it shall be the duty of said executive committee to keep a record of all such transfers or disposals, and submit the same for approval to the board of curators at their next annual meeting.

§ 3. That the provisions of this act shall be of binding force, and effect as a part of the charter of Kentucky University: *Provided*, That a majority of the curators, at their next annual meeting of their board, or at any subsequent meeting of the same, shall accept the said amendment, and order said acceptance to be entered on the books of their proceedings.

§ 4. This act to take effect from and after its passage.

Approved March 17, 1884.

CHAPTER 411.

AN ACT to amend an act, entitled "An act to incorporate Carr Institute, of Fulton county," approved March ninth, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate Carr Institute, of Fulton county," approved March the ninth, one thousand eight hundred and eighty-two, be amended as follows: That in lieu of section four of said act the following be inserted: For the purpose of enabling the trustees first mentioned to build a suitable building, the question of a subscription of (\$5,000) five thousand dollars by taxation shall be submitted to the qualified white voters of the district where said college is to be located, on the first Saturday in May, one thousand eight hundred and eighty-four; and in the event of the proposition failing to receive a majority of the votes cast at said election, then the trustees

are empowered and directed to submit the proposition before mentioned on the first Saturday in May each two years thereafter, until a majority of the white voters of the school district first mentioned shall have voted for the said subscription, and that said election shall be held as follows: The clerk appointed to hold the election for the purpose of electing police judge, town marshal, and six trustees of the town of Fulton, Kentucky, shall be the clerk of this election; that in making out the poll-book for the purpose of recording the votes of the district at the election to be held as before mentioned, the clerk of said election shall prepare two columns in said book for the purpose of ascertaining the desire of the voters of said district in relation to the subscription before mentioned. The first column shall be headed, "For Subscription," the second "Against Subscription;" and in taking the vote in said election the question shall be distinctly put to every qualified white voter who presents himself: "Are you for or against the subscription of (\$5,000) five thousand dollars by the school district for the purpose of building a school building within the bounds of this school district?" And the clerk of the election shall record the vote in accordance with the answer. That the vote of said election shall be kept, recorded, and counted, and the result made known at the same time and in the same manner, and by the same officers, as the result of the election of municipal officers of the town of Fulton, Kentucky; and if a majority of the votes cast are in favor of said subscription, then the trustees of said Carr Institute shall proceed to levy the same in accordance with the provisions of the act approved March ninth, one thousand eight hundred and eighty-two.

§ 2. And that the clerk of this election open a poll at the same time and place for the purpose of electing nine trustees of said Institute, to serve until the first Saturday in May, one thousand eight hundred and eighty-six, or until their successors shall have been duly elected and qualified; and that an election in like manner shall be held by the clerk first mentioned on the first Saturday in May, each two years thereafter, for the like purpose.

Approved March 17, 1884.

LAWS OF KENTUCKY.

CHAPTER 412.

AN ACT to authorize the Butler and Pribble's Cross Roads Turnpike Company to erect a gate within one mile of the corporate limits of Butler, in Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Butler and Pribble's Cross Roads Turnpike Company are hereby authorized to erect and keep a gate within one mile of the corporate limits of the town of Butler, in Pendleton county.

§ 2. That this act shall be in force from its passage.

Approved March 17, 1884.

CHAPTER 413.

AN ACT for the benefit of J. W. Chenault, sheriff of Montgomery county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of the State be, and is hereby, authorized to draw his warrant on the Treasurer of Kentucky in favor of J. W. Chenault, sheriff of Montgomery county, for the sum of two hundred dollars, in full for his extra services rendered by him on the trials of Jno. L. Barnett, Newton Yarber, Elliott Wadkins, John Becraft, John Gibbs, Alonzo Becraft, and Sol. Becraft, all of whom were indicted, tried, and convicted of murder in the county of Montgomery, and that the Treasurer pay the same out of any money in the Treasury not otherwise appropriated.

§ 2. That this act take effect from and after its passage.

Approved March 17, 1884.

CHAPTER 414.

AN ACT for the benefit of Newton Daniel, of Calloway county.

WHEREAS, One George Townsend, who was under indictment in the Calloway circuit court for a felony, broke jail in said county on twentieth November, one thousand eight

hundred and eighty-two and escaped to the State of Illinois, and Newton Daniel, jailer of said county, promptly gave notice of said escape by printed notices sent over the country, and said jailer being notified by the sheriff of Union county, Illinois, that he had captured said Townsend, had him in custody, and that he must come for him, and the circuit court of said county of Calloway then being in session, said jailer at the instance of, and by direction of the judge and Commonwealth's attorney of said court, immediately sent good men to Illinois for said prisoner; but when they arrived there, they for the first time were informed that said Townsend was held there upon a charge of mule-stealing, and the authorities there would not give him up to be returned to Kentucky, which facts were unknown to said jailer, judge, or Commonwealth's attorney at the time the jailer was directed and did send for said fugitive; and whereas, jailer expended and paid out of his own funds the sum of \$30.30 in trying to bring said Townsend back to Kentucky for trial, which sum should be repaid him; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of Newton Daniel for the sum of thirty dollars and thirty cents, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 17, 1884.

CHAPTER 415.

AN ACT to amend the charter of the Methodist Episcopal Church, South, Widows' and Orphans' Home in the State of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, the act to incorporate the Methodist Episcopal Church, South, Widows' and Orphans' Home, approved March the eighteenth, one thousand eight hundred and

seventy-one, be so amended as to give to the board of directors the full control, management, and disposition of such children as are referred to in sections three and seven of said act of incorporation. The said corporation, for the purpose of the protection of the person and the rights of any child committed to its care, is hereby invested with all the rights and powers of a parent or natural guardian, with the right to the exclusive control and custody of the same, unless disposed of as hereinafter provided for.

§ 2. Said corporation may, through its president and secretary, as prescribed by its by-laws, permit any suitable person to adopt any child committed to its custody as his or her own, upon proper covenants, in writing, being executed and signed by such person on the one part, and by the president and secretary of the board of directors of said corporation on the other part, and acknowledged or proven and recorded in the county court clerk's office of Jefferson county as deeds are recorded; and said corporation may, through its president and secretary, as may be prescribed by its by-laws, bind out to any suitable person any child in its custody and under its control as an apprentice, and may also require of such person other covenants beneficial to the child in addition to those prescribed by law, especially that such child shall not be treated as a servant, and shall have proper educational opportunities; the apprenticeship to terminate at the lawful age, or as soon as may be expressed in the indentures, which shall be acknowledged or proven and recorded in the county court clerk's office of Jefferson county as deeds are recorded.

§ 3. The board of directors shall adopt such by-laws and regulations as may be necessary for the execution of this act.

§ 4. This act to take effect and be in full force from and after the date of its passage.

Approved March 17, 1884.

CHAPTER 416.

AN ACT for the benefit of J. M. Tyree, of Carter county.

WHEREAS, J. M. Tyree, jailer of the county of Carter, expended and paid out of his own means the sum of one hundred and sixty-two dollars and seventy cents, in having captured and returned to the jail of said county Miles Johnson, Frank Brown, and Wiley Literal, all charged with felony, who twice broke jail, escaped, and fled to the State of Ohio, two of whom were, at the August term, one thousand eight hundred and eighty-three, of the said Carter circuit court, convicted and sent to the penitentiary, and one acquitted; and said escapes having occurred by no fault or neglect of the said jailer, and it being just and right that said sum so expended and paid out by him should be paid back to him; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of J. M. Tyree for the sum of one hundred and sixty-two dollars and seventy cents, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 17, 1884.

CHAPTER 418.

AN ACT for the benefit of Samuel F. Hinds, of Clark county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Samuel F. Hinds, of Clark county, be, and is hereby, authorized and empowered, for the term of five years, to peddle without license throughout this Commonwealth: *Provided*, That nothing in this act shall authorize said Hinds to sell spirituous, vinous, or malt liquors.

§ 2. This act shall take effect from and after its passage.

[Became a law without the signature of the Governor.]

CHAPTER 419.

AN ACT to repeal an act, entitled "An act to establish free schools for the education of colored children in the city of Owensboro."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to establish free schools for the education of colored children of the city of Owensboro," be repealed, and the property and moneys now in the possession of said trustees of said free schools, and all money or property in the hands of the county school commissioner of Daviess county, Kentucky, belonging to or intended for said schools, be turned over to the trustees of the Owensboro public schools on demand.

Approved March 18, 1884.

CHAPTER 420.

AN ACT to amend an act, entitled "An act to authorize the county court of Robertson county to subscribe stock to turnpike roads, and to issue bonds for same," approved February the eighteenth, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of section three (3), of chapter two hundred and thirty, of an act, entitled "An act to authorize the county court of Robertson county to subscribe stock to turnpike roads, and to issue bonds for same," approved February eighteenth, one thousand eight hundred and eighty-two, commencing after the word "titles," in line four (4), in said section, and with the words "to pay," and ending with the words the "principal thereof," be, and the same is hereby, repealed, and that said section three (3) be amended so as to read: To pay the accrued interest on such bonds as may be issued by said county court, the interest and principal of said bonds to be paid at maturity, not exceeding ten years from date, and not less than two years from date, in the discretion of said county court.

§ 2. This act shall take effect from and after its passage.

Approved March 18, 1884.

CHAPTER 421.

AN ACT to authorize the county court of Boyle county to levy an ad valorem tax in aid of the county roads of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Boyle county, a majority of the justices of the peace thereof concurring, be, and it is hereby, authorized to levy annually, on the taxable property of said county, an ad valorem tax sufficient to raise a sum sufficient to pay fifty cents per day to every person working on the county or public roads of said county; and ten hours' work shall be considered a day's work in the meaning of this act.

§ 2. The tax so levied shall be collected annually by the sheriff of said county, at the same time he collects the State revenue, and he shall be subject to the same liability and penalties to which he is now liable under the law in the collection of State revenue.

§ 3. The amount so collected shall be paid by the sheriff into the county treasury, and the treasurer of said county shall pay the same to the several persons entitled thereto on the order or certificate of the surveyor of the several road precincts in said county.

§ 4. This act shall be in force from its passage.

Approved March 18, 1884.

CHAPTER 422.

AN ACT to amend the charter of the Louisville Gas Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the capital stock of the Louisville Gas Company is hereby increased to three millions of dollars. The additional stock hereby authorized may be sold at such time or times as the directors of said company may deem proper. The shares of stock shall be fifty dollars each, shall be considered and pass as personal estate, shall be transferable on the books of the company as the stock of said company is

now authorized to be transferred, and certificates shall be issued therefor as the same may be sold

§ 2. Said Louisville Gas Company is hereby authorized to purchase and own the capital stock of any other gas company which may be operated in this State, with all the rights and privileges of any other stockholder; and may also purchase, own, and hold, use and dispose of, all such buildings, real and personal estate, machinery, patents, apparatus, and other property and rights which may be, or which may become convenient, proper, or necessary to carry on its business.

§ 3. The general council of the city of Louisville is hereby empowered to sell the capital stock owned by the city of Louisville in the said gas company. The proceeds of sales of said stock as made, together with the bonds and any funds or sums of money held by said company as trustee of said city, shall be turned over to the "Commissioners of the Sinking Fund of the city of Louisville," and the said sinking fund shall invest and re-invest the same as often as may be necessary or expedient in United States bonds or other good and well-secured interest-bearing bonds; and out of the dividends and interest arising from such investments they shall pay the cost of lighting the streets, alleys, parks, public wharves, and public buildings belonging to said city of Louisville; and they shall invest and re-invest any surplus of such dividends and interest as often as may be necessary or expedient, in good and well-secured interest-bearing bonds. Upon the sale of her stock the said city of Louisville shall cease to have directors in said company, and the other stockholders shall elect the nine directors of said company.

§ 4 So much of the charter of said gas company as is inconsistent with this act is hereby repealed.

§ 5. This act shall take effect and be in force as soon as the same shall be concurred in by the general council of the city of Louisville and the directors of the Louisville Gas Company.

Approved March 20, 1884.

CHAPTER 423.

AN ACT allowing the justice of the peace in the Caseyville district in Union county, living nearest the town of Caseyville, to hold his regular terms of court for the trial of civil causes once a month in said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act, it shall be lawful for the justice of the peace living nearest the town of Caseyville, in Union county, to hold his regular terms of court for the trial of civil causes once in each month, and in said town of Caseyville, and on a day in each month to be fixed by the judge of the Union county court.

§ 2. This act shall take effect and be in force after its passage.

Approved March 18, 1884.

CHAPTER 424.

AN ACT to repeal an act, entitled "An act for the better regulation and working of county roads in Boyle county," approved March the sixth, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the better regulation and working of county roads in Boyle county," approved March the sixth, one thousand eight hundred and eighty-two, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved March 18, 1884.

CHAPTER 425.

AN ACT to repeal an act, entitled "An act to prohibit the sale, procurement, loaning, or giving of spirituous, vinous, or malt liquors, or any mixture thereof, in the town of Trenton, Todd county, or within two miles of the corporate limits thereof," approved March sixth, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to prohibit the sale,

procurement, loaning, or giving of spirituous, vinous, or malt liquors, or any mixture thereof, in the town of Trenton, Todd county, or within two miles of the corporate limits thereof," approved March sixth, one thousand eight hundred and eighty-two, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved March 18, 1884.

CHAPTER 427.

AN ACT to amend an act, entitled "An act to establish a graded school at St. James (late Shelby) College, in Shelbyville."

WHEREAS, The buildings on the remaining portion of the grounds of St. James (late Shelby) College, which are unsold, and which are now being used as the Shelby Graded School, are in very bad repair, and are in a state of dilapidation, and are unsuited for the purposes for which they are now used; and there being no means by which they can be repaired, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Shelbyville (in whom the title to said property now vests absolutely) are hereby authorized and empowered to sell and convey, by deed signed and acknowledged by the chairman of said board, any or all of the grounds now unsold of St. James (late Shelby) College; or they may sell and dispose of the buildings on said grounds, or any part thereof. The proceeds of any such sale of the grounds, or any part thereof, or of the buildings or any part thereof, shall be reinvested, or so much thereof as may be necessary, in grounds and buildings as they may deem necessary and suitable for the use and benefit of the Shelby Graded School, at Shelbyville, Kentucky.

§ 2. The said board of trustees of the town of Shelbyville shall have the power to tear down the buildings now on said grounds and use the materials in erecting other and

more suitable buildings ; or they may, if they deem proper, dispose of the materials of such buildings.

§ 3. Any and all moneys arising from the sale of such grounds or buildings or material, or any parts thereof, shall be held by the said board of trustees of the town of Shelbyville for the same purposes, and by the same tenure, that the grounds and buildings are now held ; and so much thereof as may be necessary may be invested in other grounds and buildings for the use and benefit exclusively of said Shelby Graded School ; the title to which shall be taken by the board of trustees of the town of Shelbyville, and shall be held by them for the same purpose and in the same way as the present grounds and buildings are now held ; and any surplus remaining shall be invested in some good and safe securities, the dividends or interest from which shall be faithfully applied and devoted to the maintenance of said school, or the repairs of the property or grounds.

§ 4. The board of trustees of the town of Shelbyville are authorized to make appropriations, if they deem proper to do so, for the repairs of the present graded school property, or any others, which they may purchase, and the grounds of either.

§ 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 18, 1884.

CHAPTER 428.

AN ACT for the benefit of the town of Caseyville, in Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That from and after the passage of this act, all the fines imposed by the justice of the peace holding his court in the town of Caseyville, shall belong and be paid to the proper authorities of said town for the use and benefit of

the same, and not as heretofore, to the trustee of the jury fund: *Provided*, That this section shall apply only to the offenses committed within the corporate limits of said town of Caseyville.

§ 2. That in cases where imprisonment is part of the penalty, and where the defendant fails or refuses to pay a fine, or any part of it, the imprisonment shall be in the calaboose of said town, and not in the county jail as heretofore; and the said town of Caseyville shall pay the expenses of keeping said prisoners, just as if imprisoned by order or judgment of the police court of Caseyville, and at the same rates or charges.

§ 3. This act shall take effect and be in force after its passage.

Approved March 18, 1884.

CHAPTER 429.

AN ACT to amend an act incorporating Hamilton College, in the city of Lexington, Ky., approved January thirtieth, one thousand eight hundred and seventy-eight.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section six of the act incorporating Hamilton College be, and the same is hereby, amended as to read as follows, to-wit: Each share of fifty dollars shall entitle the holder thereof to one vote up to ten shares, and for every five shares additional one vote, on all questions subject to determination by the stockholders, which vote may be cast either in person or by proxy, a who shall also be a stockholder. But no person shall be entitled to cast the votes on more than two hundred and fifty shares of stock.

§ 2. This act to take effect from and after its passage.

Approved March 18, 1884.

CHAPTER 430.

AN ACT to incorporate Spencer Institute.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That I. B. Jones, principal, and his successors in office, be, and they are hereby, constituted a body-politic, under the style and name of Spencer Institute, a college for girls and young ladies, located at Taylorsville, Kentucky; and by that name shall have perpetual succession; may adopt and use a common seal, sue and be sued, and do all things generally done by such institutions; said Jones, as principal, and his successors in office, shall have power to confer any diploma, or token of merit, which are now allowed by law to be conferred by any institutions of learning in the State.

§ 2. This act shall be in force from and after its passage.

Approved March 18, 1884.

CHAPTER 431.

AN ACT for the benefit of common school district number one (white), of Flemingsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall hereafter be the duty of the trustees of common school district number one (white), in Flemingsburg, Fleming county, Kentucky, to have taught in said district number one a public school during each succeeding year for a period of nine months in each year.

§ 2. That during the month of July, one thousand eight hundred and eighty-four, and each succeeding July following, it shall be the duty of the trustees of said district aforesaid to levy an ad valorem tax of not exceeding twenty cents on each one hundred dollars' worth of taxable property in said district, and which, when collected as hereinafter provided, shall be used by said trustees in the employment of competent teachers, and for incidental and other expenses necessary for running said school, as provided in section one of this act.

§ 3. The tax provided for in section two of this act shall be due and collectable on and before the twentieth day of August in each school year after the same has been levied; and the same shall be collected by the sheriff of Fleming county, and paid by the sheriff to the trustees of said school district, said sheriff to be responsible upon his official bond for the faithful collection and payment of same as aforesaid; and for collecting said tax he shall receive five per cent. on the amount so collected, which shall be in full of all commissions and expenses in collecting and disbursing said tax.

§ 4. In collecting said tax all real and personal estate, and all money, mortgages, choses in action, and all other property of every character and kind, in said common school district, now subject to taxation for county and State purposes by the existing laws of this State, shall be subject to said tax aforesaid; and said tax shall be collected on the basis of the last regular assessment made for county and State purposes: *Provided, however,* That during the existence of this law no other tax shall be assessed or levied on the property of any kind or character in said school district number one, white, for the benefit of said district.

§ 5. This law to take effect from its passage, and continue in force two years.

Approved March 18, 1884.

CHAPTER 432.

AN ACT to incorporate the Harrodsburg Classical and English Academy.

WHEREAS, Jno. J. Hogsett has purchased property in the town of Harrodsburg, Kentucky, and has fitted up the same suitable for conducting in it an institution of learning of high order, which institution, under his management as principal, has been in successful operation for three years, with the name of Harrodsburg Classical and English Academy; and whereas, said John J. Hogsett and others desire that the principal, with the concurrence of the other members of the faculty of said academy, shall have the power granted by legislative sanction to confer the degrees, honors, and titles

usually conferred by the literary institutions of this Commonwealth; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jno. J. Hogsett, and his successors in office, be, and they are hereby, constituted a body-politic, under the style and name of the Trustees of Harrodsburg Classical and English Academy, and by that name shall have perpetual succession; may adopt and use a common seal, and alter or change the same at pleasure; but it shall not be necessary for the said corporation to procure a corporate seal, but may authenticate its acts by the signature and seal of the principal.

§ 2. The principal shall have power to appoint such other professors and teachers as may be necessary to instruct the pupils of said academy in the arts and sciences, and in all the necessary, useful, and ornamental branches of a thorough and liberal education; and shall render to said teachers such compensation as they and the principal shall agree upon.

§ 3. The principal shall have power to regulate the course of study, and to charge such rates of tuition as he shall deem proper; he may also appoint a board of visitors and examiners for said academy, who shall constitute an advisory board of officers, subject to change or removal by the principal.

§ 4. The principal of said academy, with the concurrence of the other members of the faculty, and of the majority of the board of examination, shall have the power to grant the diplomas, degrees, titles, and honors which are conferred by the best literary institutions of this Commonwealth.

§ 5. This act shall take effect from its passage.

Approved March 18, 1884.

CHAPTER 433.

AN ACT to amend the charter of the City of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city council of Covington shall, annually, at the request of the Covington school board, levy and collect

such taxes as may be requested, not to exceed thirty cents on the one hundred dollars' valuation of all taxable property in the city; and the money arising from said taxes shall, under the direction and control of school board, be used for the benefit of the common schools of Covington, precisely as the school funds are now required to be used, and for the purposes of paying off the indebtedness of the school board of the city of Covington.

§ 2. No poll-tax shall be levied or collected in the city of Covington.

§ 3. All acts and parts of acts of the General Assembly in conflict with the provisions of this act are hereby repealed.

§ 4. This act shall be in force from and after its passage.

Approved March 20, 1884.

CHAPTER 434.

AN ACT to legalize and make valid one million five hundred thousand dollars of four per cent. coupon bonds of the city of Louisville prepared and issued under an ordinance voted upon by the voters of said city on the nineteenth day of May, one thousand eight hundred and eighty-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the one million five hundred thousand dollars of four per cent. coupon bonds of the city of Louisville, prepared and issued under an ordinance voted upon by the voters of said city on the nineteenth day of May, one thousand eight hundred and eighty-three, are hereby legalized and made valid; and that for the purpose of paying the interest and principal of said bonds, the general council of said city is hereby authorized and directed, annually, to levy and cause to be collected a tax of not exceeding fifteen cents on each one hundred dollars' worth of property in said city subject to taxation under the revenue laws of the State of Kentucky; and said tax shall be levied and collected until said bonds, principal and interest, are fully paid. The said bonds are hereby made a charge on the commissioners of the sinking fund of the city of Louisville; and

the tax herein authorized and directed to be levied and collected shall be paid into said sinking fund by the city of Louisville for the purpose of paying the principal and interest of said bonds.

§ 2. That out of the proceeds of said bonds a sum not to exceed the sum of seventy-five thousand dollars may be used in paying the cost of the court-house improvement, buying and equipping a new steam fire engine-house and two fire engines, and the new eruptive hospital.

§ 3. That the money collected and to be collected under the levy made by said city for the year one thousand eight hundred and eighty-three, described in said levy ordinance, to pay the interest, and so forth, on city bonds authorized by the ordinance referred to in the first section of this act, be, and the same is hereby, directed to be applied by the sinking fund commissioners to the payment of the principal and interest of the bonds described in the first section hereof.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 20, 1884.

CHAPTER 435.

AN ACT for the benefit of the Gilbert and Mallory Publishing Company of Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the Gilbert and Mallory Publishing Company, a corporation organized under the provisions of chapter fifty-six of the General Statutes, to change its corporate name, and to create the office of vice-president whenever a majority of the stock in said company shall be voted in favor of such change of name and creation of such office of vice-president.

§ 2. This act shall take effect from its passage.

Approved March 20, 1884.

CHAPTER 436.

AN ACT authorizing the qualified voters of Ballard county to vote on the removal of the county seat from Wickliffe to Blandville, in said county, and providing for the removal in case a majority of the votes cast are for the removal.

WHEREAS, There is a dissatisfaction on the part of a large number of the people of Ballard county with the present location of their county seat; and whereas, a large number of the people of said county have petitioned this General Assembly to pass an act authorizing a poll to be opened on the first Monday of August, one thousand eight hundred and eighty-four, to take the sense of said people on the subject of the removal of said county seat from Wickliffe, its present location, to Blandville, in said county; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be the duty of the sheriff of Ballard county to open a poll at the various voting places in said county, on the first Monday of August, one thousand eight hundred and eighty-four, to take the sense of the qualified voters of said county on the question of the removal of the county seat of said county from Wickliffe, its present location, to Blandville, in said county; and said sheriff shall give thirty days written or printed notice of said election, to be posted at some public place in each of the voting precincts of said county. It shall also be the duty of said sheriff to hold said election, and the officers appointed to hold the general election in August shall act as the officers of this election.

§ 2. It shall be the duty of the clerk of the Ballard county court to prepare and furnish to the sheriff of said county poll-books for each of the voting places of said county, on which to hold said election; and said poll-books shall be delivered by the sheriff to the clerks of the various precincts appointed to act in the general election. And in preparing the said poll-books, the clerk of said county court shall prepare one column, marked at the head of each page "For removal," and shall prepare one column, marked at the head of each page "Against removal;" and in taking the vote on

said question, the clerk of said election shall propound to each voter offering to vote at said election the question: "Are you for or against the removal of the county seat from Wickliffe to Blandville?" and if he says he is for removal, his vote shall be recorded in numerals in the column headed "For removal," and opposite to his name; and if he answers he is opposed to the removal, his vote shall be recorded in numerals in the column "Against removal," opposite his name; and no person shall be eligible to vote on said question who is ineligible to vote for Representative to the General Assembly.

§ 3. In holding said election, certifying the books, and returning same to the clerk's office of the county court, the officers of said election shall in all respects be governed by the laws regulating general elections.

§ 4. It shall be the duty of the officers who compare the polls in general elections, held on the first Monday of August, to compare the polls at this election at the time and in the manner the general law requires the polls to be compared in general elections; and if it shall appear, upon a comparison of the polls, that a majority of all the votes cast on the question of the removal of said county seat from Wickliffe to Blandville have voted for the removal, then said comparing board, or a majority of them, shall sign and file a certificate of that fact in the clerk's office of the Ballard county court; and if the majority of the votes cast on said question shall be against the removal, said certificate shall also be filed in said clerk's office; and whether the majority shall be for or against the removal, said certificate shall be recorded in the office of said county clerk.

§ 5. If, upon comparing the polls and filing said certificate, it shall appear that a majority of all the votes cast on said question of removal of the county site are for the removal, then it shall be the duty of the sheriff of said county to notify in writing the clerk of the county court, the clerk of the circuit and common pleas courts, the county judge and jailer of said county, of that fact; and upon receiving said notice it shall be the duty of said county officers to at

once remove the entire contents of their offices to the town of Blandville in said county; and the jailer shall also remove the prisoners to the jail in the town of Blandville; and Blandville shall thereafter be the county seat of said county.

§ 6. Any person who shall vote at said election, who is at the time ineligible to vote for Representative to the General Assembly, shall, in all respects, be dealt with and suffer the penalties denounced by the general laws for illegal voting; and shall be proceeded against as now provided by law in cases of illegal voting at general elections.

§ 7. This act shall take effect from and after its passage.

Approved March 20, 1884.

CHAPTER 437.

AN ACT to incorporate the Jackson Academy Company.

WHEREAS, Sundry citizens of Breathitt county have raised a subscription of the sum of three thousand five hundred dollars in stock, designed to be used and expended in the establishment of an institution of learning, and in pursuance of said object did, on the seventeenth day of December, one thousand eight hundred and eighty-three, elect nine trustees to manage and control said subscription and said institution; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Jay Dickey, E. C. Strong, Samuel H. Hurst, Samuel Jett, William Spencer, William M. Combs, J. J. C. Back, John S. Hargis, and I. H. Patrick, who were chosen a board of trustees by said subscribers, are hereby constituted a body-politic and corporate, by the name and style of the trustees of the Jackson Academy Company.

§ 2. That the board of trustees aforesaid, and their successors in office, shall have perpetual existence by the name and style aforesaid; shall have the power to use a corporate seal, and to change and alter the same at pleasure; and by said corporate name may sue and be sued, plead and be impleaded, in any court of law or equity in this Commonwealth;

shall have power to receive and hold, in trust for the benefit of said institution any lands, tenements, hereditaments, money, goods, or choses in action, by gift, donation, devise, subscription, contract, or purchase, as the board of trustees may deem necessary for the establishment and perpetuity of said institution; and shall have power to issue the bonds of said corporation in any amount said board of trustees may deem necessary, not exceeding two thousand dollars at any one time; and the principal of its bonded indebtedness shall not at any time exceed said sum; said board of trustees may borrow any sum of money not exceeding two thousand dollars: *Provided*, It has no bonds outstanding and unpaid at the time of the loan.

§ 3. That said board of trustees shall have power to select and appoint a principal, and such professors and teachers and instructors as may at any time be necessary for the instruction of the pupils therein in the arts, sciences, and all necessary, useful, and ornamental branches of a thorough and liberal education; and the said board of trustees and their successors shall have power to make such by-laws for the government of their own body, and such rules and regulations for the government and control of the principal, professors, teachers, and instructors of the pupils, as they may deem expedient, and to alter, amend, or annul the same at pleasure.

§ 4. That the principal shall have power to regulate the course of study in said institution; and he and the teachers, with the consent of the board of trustees, shall have power to grant diplomas, signed by the faculty and the president and secretary of the board, under seal, which shall be as valid as those conferred by any other seminary or college in this State.

§ 5. That said board of trustees shall have full power at all times to promptly dismiss, turn out of office, or suspend any principal, professor, teacher, or instructor for incompetency, improper conduct, or for such behavior as is incompatible with the dignity of the station held by the delinquent.

§ 6. That the permanent officers of the board of trustees shall consist of a president, secretary, and treasurer, who

have been or shall be selected by the board of trustees from their number; the board shall prescribe the duties and responsibilities of the officers provided for in this section, and shall require the treasurer to give bond, with surety to be approved by the board of trustees, for the proper disposition of all moneys that may come to his hands, and the faithful discharge of the duties of his office.

§ 7. That in the event of a vacancy in said board by resignation, death, or refusal to act, the remaining members of the board shall fill the vacancy by election.

§ 8. The term of the present board of trustees shall be as follows: The first three named herein shall hold their office until the third Monday in November, one thousand eight hundred and eighty-six; the second three shall hold their office until the third Monday in November, one thousand eight hundred and eighty-five; and the other three shall hold their office until the third Monday in November, one thousand eight hundred and eighty-four, at which times, and on the third Monday in November in each year thereafter, their successors shall be elected by the stockholders whose stock is paid up, so that one third of said trustees shall be elected every year; and the board of trustees now in office, or elected at any such election as aforesaid, shall hold their office until their successors have qualified.

§ 9. In all elections under this act only stockholders whose subscriptions have been paid shall have a right to vote in proportion to their paid up stock, twenty-five dollars representing one vote.

§ 10. The board of trustees may open books for additional subscriptions of stock, and may provide the manner in which transfers of stock shall be made.

§ 11. The private property of stockholders shall not be liable for the debts of the corporation.

§ 12. This act shall be in force from its passage.

Approved March 20, 1884..

CHAPTER 438.

AN ACT to incorporate the Covington and Cincinnati Pier Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Samuel M. Young, Jonathan D. Hearne, Charles B. Pearce, Henry Worthington, and Horace S. Walbridge, and their associates, successors, and assigns, are hereby created a body-politic and corporate, by the name of The Covington and Cincinnati Pier Bridge Company; with power to have perpetual succession, to sue and be sued by said corporate name; to have a common seal, and to alter same at pleasure; to render the shares and interests of stockholders transferable, and to prescribe the mode of making such transfers; to exempt the private property of stockholders from liability for corporate debts; to make contracts, and to acquire and possess property necessary, and convenient to the business of said corporation hereinafter set forth; and to establish by-laws, and make rules and regulations for the management of the affairs of the said body-corporate.

§ 2. The principal place of business of said corporation shall be the city of Covington, Kentucky; but offices may be opened for the keeping of its accounts and the transaction of its business in Cincinnati, Ohio.

§ 3. The business of said corporation shall be the erection, maintenance, and operation of a pier bridge between the cities of Covington, Kentucky, and Cincinnati, Ohio.

§ 4. The capital stock of said corporation shall be one million dollars (\$1,000,000), divided in shares of one hundred dollars (\$100) each, but may be increased to an amount not exceeding one million five hundred thousand dollars (\$1,500,000).

§ 5. The affairs of said corporation shall be managed by a board of five directors (which number may be increased to not exceeding nine, by a majority vote of all the stock), who shall be elected annually by and from the stockholders on the second Tuesday in January, at the principal place of business (in Covington, and shall hold their offices for

one year), and until their successors are qualified ; but the incorporators hereinbefore named shall serve as directors until the first annual election, and until their successors are qualified ; and should a vacancy at any time occur in the board, it may be filled for the unexpired term by vote of the remaining directors. Said board shall elect from their own number a president, vice-president, secretary, and treasurer. Should any election for directors be not held as above provided, the board shall, within five days, call a special election, giving thirty days notice thereof. Voting of stockholders shall be in person or by written proxy, and each share of stock shall entitle the holder to one vote ; and a majority of votes cast shall be necessary to a choice. No person shall be eligible to, or continue in the office of, director unless he shall be a stockholder.

§ 6. The board of directors may provide for the appointment of such agents or assistants as it may deem necessary for the management of the business of the corporation, and may fix their compensation and prescribe their duties, and exact bond for the faithful discharge thereof.

§ 7. Stock shall be transferable only on the books of the company on surrender of the old certificates; and the corporation shall have a first lien on the shares of any holder for any indebtedness of such holder to it.

§ 8. The directors may declare annual, semi-annual, or quarterly dividends, as may be provided by the by-laws, out of the net earnings of the company.

§ 9. The corporation may create a bonded indebtedness not to exceed three hundred thousand dollars (\$300,000) at any time, and its bonds shall be a prior lien on all its property.

§ 10. The private property of stockholders shall not be liable for the debts of the corporation.

§ 11. The board of directors may make such by-laws and regulations, in conformity with law and with this charter, as it may deem necessary for the proper conduct of the affairs of the corporation.

§ 12. The corporation may be discontinued by unanimous vote of all the stockholders.

§ 13. The property and bonds and stock of said corporation, and the bonds of the city of Covington in its aid, shall be forever exempt from municipal taxation by the city of Covington.

§ 14. The city council of said city of Covington is authorized and directed to issue and cause to be issued to the said Covington and Cincinnati Bridge Company the bonds of said city, payable in forty years after date, to the amount of six hundred thousand dollars (\$600,000), bearing interest of the rate of five per cent. per annum, payable semi-annually, upon the following terms and conditions, to-wit :

First. That the said bridge company shall erect across the Ohio river, at a point west of the east line of Madison street and east of the west line of Philadelphia street, in said city, a highway bridge suitable for the crossing of foot-passengers, vehicles, and quadrupeds; and that the foot-passenger ways of said bridge shall be forever free to all crossers; and that the rates of toll to be collected upon vehicles and quadrupeds shall never exceed one-half ($\frac{1}{2}$) the rates charged by the Covington and Cincinnati Suspension Bridge Company on the first day of January, one thousand eight hundred and eighty-four.

Second. That a majority of the votes cast by the qualified voters of said city, at an election to be held as hereinafter provided, shall be in the affirmative. Said bonds shall be issued in such denominations and payable at such place, either in Covington, Kentucky, or New York, New York, as the board of directors of said Covington and Cincinnati Pier Bridge Company shall specify in writing to said city council; and in such installments, proportioned to the progress and necessities of the work on said bridge, as may be, from time to time, agreed on by the city engineer of said city and the chief engineer of said bridge company: *Provided*, That should they fail to concur as to such installments, the mayor of the city of Covington shall act as umpire. Said bonds shall be dated the first day of January or July next preceding their issue.

§ 15. An election shall be held by the qualified voters of said city of Covington at the usual voting places, to be

prescribed by council, on the twenty-third day of February, one thousand eight hundred and eighty-four, from six o'clock in the morning to eight and one half o'clock in the evening, at which shall be submitted to said voters a question as follows, to-wit: "Shall the city of Covington contribute her bonds to the Covington and Cincinnati Pier Bridge Company for the erection of a bridge with free footways and cheap wagon-ways, as provided in the act to incorporate said company?" The city council of Covington shall, or the board of directors of the said company may, provide for each ward of said city a poll-book containing said question, printed or written at the top of each page, and with two columns headed respectively "yes" and "no"; and the clerk of said election in each ward shall, under the supervision of the judges of election, record the votes cast in the affirmative in said column marked "yes," and those in the negative in said column marked "no." Officers of said election shall be appointed by the said city council, and shall be qualified and make their returns, which shall be counted, and the result determined, in all respects in like manner as for a regular municipal election in said city. Notice shall be given by said council that said question will be submitted on said day by advertisement in some newspaper printed and of general circulation in said city, once each week for two weeks next prior to said election, and by one hundred printed posters, posted in said city; but if, from any cause, said council shall have failed to provide for such notice in three weeks before said election, then the same may be given in like manner and with the same effect, by the board of directors of said company; and in the event of failure to appoint officers of election, or the failure or refusal of any of them to act, they may be selected by the voters present at the opening of the several polls; and in the event of inability or failure to procure the place designated as the polls for any ward, the election for said ward may be adjourned to any other place in said ward, and notice thereof posted at or near the place originally designated.

§ 16. When it shall appear that the majority of the legal votes cast at said election were in the affirmative, bonds of

the said city of Covington shall be issued and delivered to said bridge company as hereinbefore provided, payable to said company or bearer, bearing a coupon for each installment of interest, which bonds shall be signed by the president of the city council, and countersigned by the city clerk of said city, and the said coupons shall be signed by said city clerk.

§ 17. The said city council shall annually levy and cause to be collected a tax not exceeding two-tenths of one per cent. on the property taxable by said city for other purposes to provide for the payment of interest on said bonds, and for the extinguishment of the principal at maturity; and the fund so raised shall be kept separate and apart from other funds of the city, and shall be used for no other purpose, until said bonds and interest are fully paid.

§ 18. Said bridge company may acquire real estate necessary for the erection and purposes of said bridge by purchase, or by condemnation in like manner as is provided by general law in case of railway and turnpike companies.

§ 19. No temporary injunction, enjoining or restraining anything herein required or authorized, shall be granted without notice to said bridge company, nor without bond, with sufficient security to said company to pay to it the damages occasioned by delay by reason of said injunction, and on the dissolution of said injunction, the court dissolving same shall assess the damages in favor of said company, and therein shall take into consideration the probable net earnings or receipts of said company, next after the completion of its bridge, for a time equal to that between the granting and dissolution of such injunction.

§ 20. *Provided*, The said city of Covington fails or refuses to contribute to the said Covington and Cincinnati Pier Bridge Company her bonds, as herein provided, for the purpose of securing the cheap rates of toll herein set forth, then and in that event the incorporators herein named, and their successors, are hereby fully authorized and empowered to build, maintain, and operate a bridge across the Ohio river, between the cities of Covington and Cincinnati,

and within the boundaries of the streets herein named, without the aid of said municipal contribution; and are hereby granted all the rights, privileges, immunities, and powers specified in this act, on condition that the rates of toll charged on said bridge shall never exceed the rate charged by the present Covington and Cincinnati Suspension Bridge Company on January first, one thousand eight hundred and eighty-four.

§ 21. In the event said municipal contribution is made as herein provided, and the said company fails to complete said bridge by January first, one thousand eight hundred and ninety, and if work on said bridge should at any time be discontinued for three hundred and sixty-five consecutive days, then the city council of said city may offer said bridge for sale; of which sale public notice shall be given by advertisement for thirty (30) days in some paper of general circulation in Covington and Cincinnati, and may sell same to the highest bidder (said purchaser agreeing to complete said structure); and from the proceeds of said sale is to be paid by said city to the said Covington and Cincinnati Pier Bridge Company such sum of money as said company has expended, independent of amounts received from sale of bonds; the amount to be ascertained as herein provided for having bonds issued; and shall succeed to all rights and powers herein granted; and shall maintain on said bridge the rates of toll provided in section fourteen of this act.

§ 22. A majority of the incorporators herein named are fully authorized and empowered to effect the organization of said company under this act; and may open books and receive subscriptions to the capital stock of said company; and such books may be reopened at any time by said incorporators or the company.

§ 23. This act shall take effect from its passage.

[Passed over Governor's veto.]

CHAPTER 439.

AN ACT to incorporate the City and Suburban Telegraph and Telephone Association, of Cincinnati.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Frank P. Helm, George N. Stone, and A. D. Bullock, and their successors, associates, and assigns, are hereby created a body-corporate forever, by the name of the City and Suburban Telegraph and Telephone Association; with power to sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; contract and be contracted with, purchase, hold, or sell all such property, real or personal, as may be necessary or convenient to enable it to carry on the business of operating telephone and telegraph lines, systems, and exchanges in the Commonwealth of Kentucky; and generally to do and perform all such acts as an individual might do and perform in the premises; and to hold and to exercise such powers as are incident to corporations; and the corporators named in this section shall act as directors until their successors are elected and qualified; and in the event of the failure of any of said corporators to act, the vacancy or vacancies so caused shall be filled by election or appointment by those acting.

§ 2. The capital stock of said association shall be twenty thousand shares, with the right to increase the same by the stockholders, and said shares shall be fifty dollars each, which shall be personal property, and evidenced by the certificate of the company under its seal, and shall be transferable as may be prescribed by the by-laws of the association; and said shares of stock shall be paid in such manner and upon such conditions as the board of directors may prescribe.

§ 3. It shall be lawful for said corporation to conduct and transact the business of building, hiring, leasing, purchasing, equipping, maintaining, and operating telephone and telegraph lines, exchanges and systems, overground or underground, in such manner as may be determined, and all the operations and business incident thereto; and said corpora-

tion shall have the power and authority to acquire, by purchase or otherwise, including condemnation according to law, from any individuals, partnerships, associations, or corporations created by or under the laws of this Commonwealth, on such terms as may be agreed on, any telephone or telegraph lines, exchanges and systems, together with all of their properties, rights of way, easements, servitudes, contracts, licenses, patents, or interests therein, rights, privileges, and franchises, and when so acquired to maintain, equip, and operate any and all such lines, and also to extend any and all of its lines under the powers, privileges, and franchises, acquired by purchase or otherwise; and said corporation may extend its lines from points within to points outside of the State of Kentucky, and may acquire, maintain, and operate lines, systems, and exchanges at such points outside the State as the business or interests of said corporation may require; and said corporation may connect its lines with those of any other company on such terms as may be agreed on.

§ 4. The principal office of said company may be established in the city of Covington, or at any point within the State of Kentucky that the board of directors may designate; and the management and administration of the affairs of the corporation shall be by a board of directors of not less than three nor more than nine, to be elected by the stockholders once in every year, as may be provided in the by-laws, and to hold their offices until their successors are elected and qualified; and the directors may elect from their board a president, and appoint such other officers and agents as they may deem necessary, and prescribe their duties and compensation, and may require of them bonds, with sureties for the faithful performance of their duties, and remove them and appoint others at pleasure; and may fill vacancies that may occur in the board of directors, and make by-laws for the government of the association, and may alter, amend, and abolish the same at pleasure; and may prescribe how the shares of stock may be transferred and voted at meetings of the stockholders, and may exercise the powers herein conferred on the corporation; and shall have power to issue

bonds in the name of the company, with interest warrants or coupons attached, and to secure the payment of such bonds and coupons, may execute a mortgage or mortgages on all its properties, rights of way, easements, servitudes, rights, privileges, and franchises, on such terms and stipulations as may be covenanted therein.

§ 5. The private property of stockholders shall be exempt from the corporate debts.

§ 6. This act shall take effect and be in force from its passage.

Approved March 24, 1884.

CHAPTER 440.

AN ACT to prohibit the sale of and traffic in spirituous, vinous, or malt liquors, or the mixture thereof, in civil district number five, McCracken county, and civil district number one, Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be unlawful for any person to sell spirituous, vinous, or malt liquors, or any mixture thereof, in any quantity, for any purpose, or in any capacity or business whatever, within the boundary of civil district number five, in McCracken county, or civil district number one, in Ballard county, said boundary being as now established by law for election purposes.

§ 2. That any person violating the provisions of section first of this act shall, upon indictment in the circuit court of the county in which said violation has been committed, and conviction thereof, be fined in the sum of two hundred dollars, and imprisoned twelve months in the county jail.

§ 3. That it shall be unlawful for any person having authority to grant a license to sell said liquor under the general laws of this Commonwealth, to grant a license to any person to sell any of said liquors in said districts after this act shall take effect; and any person who shall grant or attempt to grant any such license after this act shall take effect, to any person to sell any of said liquors in said districts, shall, upon conviction thereof, be fined in the sum of one hundred dollars.

§ 4. That this act shall not be held or construed in any manner to abridge or interfere with the right or privileges of any person under any existing license to sell said liquors until the expiration of said license ; but no license shall be issued after this act takes effect to any person to sell liquor in either of said civil districts.

§ 5. That all laws in conflict herewith are hereby repealed.

§ 6. This act shall take effect and be in force from and after the first day of April, one thousand eight hundred and eighty-four.

Approved March 24, 1884.

CHAPTER 441.

AN ACT to incorporate the Kentucky and Ohio River Packet Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there shall be, and is hereby, created a corporation by the name of the Kentucky and Ohio River Packet Company, with a capital stock of one hundred thousand dollars, to be divided into shares of one hundred dollars each, which corporation shall have perpetual succession; and by its said corporate name may sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; may have and use a common seal, and alter or renew the same at pleasure; and make and establish by-laws and regulations for the efficient conduct of its business; and exercise any and all of the powers of a corporation necessary and proper to carry out the true intent and purport of its creation.

§ 2. The said corporation shall have power and the right to transport or tow persons and property to and from the cities of Louisville, Madison, Carrollton, Cincinnati, and Frankfort, and intervening points along and upon the Kentucky and Ohio rivers; and upon such other rivers as may be necessary in the efficient and successful carrying on of commerce and navigation on said rivers; and may own, buy, construct, repair, charter, hire, sell, convey, and lease

steam-boats, flats, keels, barges, wharf-boats, and other water-crafts, with all equipments, appendages, and other personal property necessary to conduct its business; and may also acquire, by lease or in fee, any necessary landings, wharves, or other real estate, for the use of the company in its business, and sell, convey, or lease the same at pleasure; and do generally whatever is necessary to make efficient the said business of commerce and navigation on said rivers; and make contracts with shippers and passengers to fix and limit its liability as a common carrier.

§ 3. The said corporation shall have a lien on all freights carried or transported by it for its charges, whether the same be for transporting the same or for advancements made on the same; and it shall have a lien on all property towed by it for the charges due for the same, and for charges advanced on the same, with the right to hold said freight or property until said charges are paid.

§ 4. The business of this corporation shall be transacted by five directors, each of whom shall be a stockholder in the corporation; said directors shall be elected as soon as one hundred and fifty shares of stock are subscribed, upon notice given to the subscribers of the time and place of the election by any two of the Commissioners hereinafter named; said directors shall be again elected on the first Monday in January, one thousand eight hundred and eighty-five, and on the same day each year thereafter, at such place as the directors may designate; at said elections each stockholder shall have the right to cast one vote for each share of stock he owns, the vote may be cast in person or by written proxy; and the five stockholders receiving the highest number of votes cast shall be the directors elected, and transact the business of the corporation; but no stockholder shall be eligible to the office of director who has not paid up the amount due on his stock, and no stockholder shall be allowed to vote who has not paid up the amount due on his stock; before entering upon the discharge of their duties, said directors shall be sworn to faithfully and impartially discharge their duties as such.

§ 5. The board of directors, a majority of whom shall be a quorum to do business, shall elect one of their number president of the corporation. Said directors, or such of them as qualify, may fill vacancies occurring in their body by death, resignation, refusal to act, or otherwise. They shall hold their offices until their successors are elected and qualified, or until their removal. They shall elect a treasurer and secretary, and such other officers as it may be thought proper for them to select. They shall have power to make such by-laws as it may be proper and convenient for the corporation to have. They may remove any one of their number by a vote of the majority.

§ 6. The president shall preside over the meetings of the board of directors, and he shall be the superintendent of the company, and have general supervision over its business, unless the board of directors shall see fit to employ a superintendent.

§ 7. The same person may hold the offices of treasurer and secretary. The treasurer shall be required to execute a bond to the company in such sum as the board of directors may determine upon; and all moneys to which the company may be entitled, and which may be received by it or any of its officers, shall be paid to the treasurer, who shall hold the same subject to the order of the board of directors. The secretary shall keep accurate minutes of the transactions of the board of directors, and perform such other duties as may be prescribed by the by-laws of the corporation.

§ 8. M. I. Barker, J. A. Donaldson, J. G. Guin, and A. N. Jett are hereby appointed commissioners, who, or any two of whom, may take and receive subscriptions for stock in this corporation, by having all persons proposing to become stockholders enter into an obligation in words as follows, to-wit: "We whose names are hereunto subscribed, promise to pay to the Kentucky and Ohio River Packet Company the sum of one hundred dollars for each share of stock subscribed by us in said corporation; and we hereby subscribe for the number of shares of stock set opposite our names respectively, the same to be paid as the board of directors of said corporation may direct."

§ 9. As soon as one hundred and fifty shares of stock have been subscribed this corporation may commence business, and the board of directors may take additional subscriptions for stock or not as they deem best for the interest of the company.

§ 10. The private property of the stockholders of this corporation shall be exempt from the debts, liabilities, trespasses, and torts of the corporation.

§ 11. The board of directors of the company may, by rules and by-laws, provide for the forfeiture to the company of any share or shares of stock subscribed for and not fully paid for when required, and they may provide for the mode of transferring certificates of stock, which shall be deemed personal estate, and considered under the equalization law.

§ 12. This act shall take effect from its passage.

Approved March 24, 1884.

CHAPTER 442.

AN ACT to authorize the town of Somerset to take stock in the Somerset Street Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. An election shall be held in the town of Somerset, in Pulaski county, on the last Saturday in May, one thousand eight hundred and eighty-four, for the purpose of taking the sense of the legal voters of said town as to whether the trustees of said town shall subscribe stock for the town in the Somerset Street Railway Company. Said election shall be held at the court-house in the county court room, and in the same manner that elections for trustees of said town are held. The trustees of said town shall cause notices of said election to be posted in at least five public places in the town, one of which shall be at the court house door. If for any reason said election shall not be held on the last Saturday in May, one thousand eight hundred and eighty-four, it may be held at any time thereafter by an order of the board of trustees, and after the notices herein provided for shall have been posted.

§ 2. If at said election a majority of the legal votes cast shall be in the affirmative, then the board of trustees shall subscribe stock for said town in the Somerset Street Railway Company in any sum not exceeding twenty-five hundred dollars. Said stock shall be issued to the board of trustees of the town of Somerset, and the chairman of said board shall be *ex officio* a director in the said Somerset Street Railway Company, and shall represent the stock of the town in the meetings of the directors of said company, under the advice and instructions of the board of trustees.

§ 3. For the purpose of paying for the stock that may be subscribed under the provisions of this act, the board of trustees may, if they deem it necessary, issue the bonds of the town for not more than the amount of stock subscribed, of such denomination, and payable at such times, as the board may deem best; said bonds to bear not more than six per cent. interest per annum, and to be sold at not less than par.

§ 4. For the purpose of paying the principal and interest of said bonds, the board of trustees may use any moneys belonging to the town arising from taxation or other sources of revenue, and not otherwise appropriated; and they may, when they deem it necessary for said purpose, levy an *ad valorem* tax on all the taxable property of the town, not to exceed twenty cents on the hundred dollars, to be assessed, collected, and paid over as other town taxes.

§ 5. This act shall take effect from its passage.

Approved March 24, 1884.

CHAPTER 443.

AN ACT to prohibit stock from running at large within the Augusta voting precinct, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for the owner, custodian, or keeper of any horse, mule, jack, jennet, cow, heifer, sheep, hog, or any other species of live stock whatever, to suffer or permit the same to be or run at large or on the

premises of another within the limits of the Augusta voting precinct, in Bracken county.

§ 2. That any person violating the provisions of the first section of this act shall be subject to a fine of not less than five nor more than fifty dollars and costs of prosecution, to be recovered before any court of competent jurisdiction; and moreover, shall be liable in damages in a civil action to any person injured by any stock at large or on the premises of another in violation of the first section of this act.

§ 3. That any person finding any stock mentioned in the first section hereof trespassing on his premises within said district, may take up and impound the same, and the reasonable expenses thereby incurred shall be treated and taxed as part of the costs in case of recovery in a civil action authorized by the preceding section: *Provided*, That no person shall be allowed to recover for any but absolutely necessary expenses incurred in caring for such stock until the owner or keeper reclaims the same; and it shall be his duty to immediately notify the owner or keeper of such stock, if known, or if ascertainable on inquiry, of the taking up of such stock.

§ 4. That if the owner or keeper of any stock impounded or taken up as herein authorized is unknown, or cannot on diligent inquiry be ascertained, such stock may be treated and disposed of as an estray.

§ 5. That this act shall be in force from April first, one thousand eight hundred and eighty-four, until January first, one thousand eight hundred and eighty-five, and no longer.

Approved March 24, 1884.

CHAPTER 444.

AN ACT to incorporate the Kentucky Inland Telephone Company,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. W. Cleary, George H. Davidson, and Harvy Myers, their associates and successors, are hereby created a body-corporate and politic, with power to sue and be sued, to plead and be impleaded, to contract and be contracted

with, under the name and style of the "Kentucky Inland Telephone Company;" and by that name shall have perpetual succession, with power to adopt and use a common seal, to change the same at pleasure, and to have all the rights of a natural person laboring under no disability, and to have the privilege of erecting, equipping, maintaining, and operating a telephone line from Covington, in Kenton county, to Florence, Burlington, Walton, in Boone county; to South Covington, Benton, Morning View, in Kenton county; to Demossville, Butler, and Falmouth, in Pendleton county; Cynthiana, Harrison county; to Paris, in Bourbon county; to Georgetown, in Scott county; to Crittenden and Williamstown, in Grant county; and such branch lines to and from said points to other points in said counties, or adjoining counties, as the company may deem necessary for telephone purposes.

§ 2. Said company may acquire rights, rights of way for their main or branch lines, in the same manner as now provided for by laws of this Commonwealth for the acquisition of rights of way by railroads and turnpike companies, and may contract with any person or corporation for supplying them with telephonic facilities or the use of telephone instruments.

§ 3. The capital stock of said company shall not exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each, and said company may commence business and the construction of their telephone line or lines when twenty-five shares of its capital stock shall have been *bona fide* taken and subscribed for.

§ 4. Said company shall be managed by a board of five directors, to be chosen on the organization of the company under this charter, and annually thereafter on the first Monday of January in each year, at some place in the city of Covington to be designated by public notice in such manner as the board of directors may deem proper. The board of directors shall choose one of their number president, whose duties shall be those incident to said officer, or provided by said board; and the board of directors shall have power to appoint a secretary and treasurer, and such other agents as

may be deemed necessary for the interest of the company, and may pay them such compensation as they may think reasonable. Said company may acquire and hold all property, real or personal, necessary to enable it to carry out the provisions of this act, or the business contemplated; and by its board of directors said company may make all by-laws, rules and regulations, to carry on its affairs, not inconsistent with the constitution and laws of this State or of the United States.

§ 5. The private property of stockholders is to be exempt from corporate debts.

§ 6. This act shall be in force and effect from and after its passage.

Approved March 24, 1884.

CHAPTER 445.

AN ACT to incorporate the Rockport and Iceland Bend Fence Company.

WHEREAS, The frequent and excessive overflows of the Ohio river have rendered it impracticable and peculiarly onerous to persons owning lands in said river bottoms opposite Rockport, Indiana, to keep their farms inclosed under distinct fences; whereas, it is desirable for convenience, economy, and necessity that one common or general fence should be built and kept up by the land-owners in said bottoms, and that the running at large of stock in said bottom should be regulated; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. W. Taylor, J. G. Taylor, J. E. Hawes, Kate C. Eagles, J. A. Taylor, E. P. Taylor, L. T. Wilhoyte, guardian of G. T. Perkins' heirs, J. A. Wilhoyte, Walker Roberts, guardian of Wm. Hollis' heirs, James Zenory, Wm. Allgood, Thos. C. McCreery, Georgetta Hawes, Frank McCammist, James Haywood, and John Blunk, and such other persons in their stead as may succeed to the ownership of the lands now owned by them, and lying and being in the county of Daviess, and within the following described boundary, viz: Bounded on the one side by the Ohio river and

on the other by a line beginning at the mouth of Blackford creek, or as near thereto as practicable; thence along the west margin of the Yelvington and Blackford road to the intersection of the road, near Hawes school-house, leading to the Rockport road; thence along the north margin of said road to a point opposite J. A. Wilhoyte's upper corner; thence across said road, and along said Wilhoyte's line, between Wilhoyte and Shountee, to the Yelvington and Blackford road; thence along the south lines of J. A. Wilhoyte, G. T. Perkins' heirs, and E. P. Taylor, to the Iceland road, near the colored church; thence along the Iceland road to the road leading to Jacob Thompson's; thence along said road to J. G. Taylor's "Deadening" farm; thence across said farm to Clara Hawes' line; thence along J. G. and R. W. Taylor's lower lines to the Ohio river, be, and they are hereby, constituted a body-politic and corporate, under the name and style of the Rockport and Iceland Bend Fence Company; with power to sue and be sued; to contract and be contracted with; to build, rebuild, and keep in repair one common fence between the two points on the Ohio river and along the line hereinbefore described, or as near thereto as practicable; and to exercise all powers necessary to carry out the objects of this act: *Provided further*, That said company shall have power to contract with other parties, so far as may be necessary, for the privilege of building a fence across their lands so as to inclose the lands within the above described boundary; and may, by a majority of two-thirds of its members, extend said boundary so as take in other lands, with the consent of the parties owning the lands taken in by the extension.

§ 2. All persons owning lands within the boundary described in the first section of this act shall be members of this corporation, and entitled to vote at its meetings; and in the event said boundary should be extended, the owners of lands brought in by such extension shall become members.

§ 3. This company shall have power to adopt such by-laws and regulations, and impose such fines and penalties, and enforce the same, as it may deem proper to insure the

success of the objects of this act, not inconsistent with the laws and Constitution of this State and the United States.

§ 4. Said company shall, by its by-laws, provide for the election of a board of directors, and such other officers as it may deem proper; and shall prescribe the time and manner of election of such officers and their duties and powers.

§ 5. This company may provide for the assessment and collection from its members of a sufficient tax to enable it to build, rebuild when necessary, and keep in repair the fence mentioned; said tax on the members to be in proportion to the number of acres owned by them, respectively, within said boundary. The deeds on record in the clerks' offices of Daviess county shall be *prima facie* evidence of the number of acres owned by the parties respectively. Said corporation shall have a lien on the lands inclosed by said common fence to secure the payment of any assessment of tax, which lien may be enforced by any court of competent jurisdiction in Daviess county.

§ 6. Said corporation may purchase any fences or parts of fences that may be already built upon the route of the proposed common fence; such purchase shall be in keeping with the spirit of this act.

§ 7. This company may, by its by-laws, prescribe the time within which stock may or may not be permitted to run at large within said inclosed boundary; and may prohibit the running at large of stock within said boundary.

§ 8. The members of this company may vote in person or by proxy; a majority of its members shall constitute a quorum for the transaction of any business; and in case the number of members shall, from any cause, be increased, it shall still require a majority to constitute a quorum.

§ 9. Any violation of the by-laws of this company may be prosecuted in any of the courts of Daviess county; but no recovery shall be for more than ten nor less than one-dollar.

§ 10. The first annual meeting of this company shall be held at "Hawes' school-house" on the first Saturday in April, one thousand eight hundred and eighty-four, or as soon thereafter as practicable, at which meeting there shall

be chosen a chairman, secretary, and treasurer, each of whom shall hold office until his successor is qualified. After this meeting the by-laws may provide for the time and place of its regular meetings, and may provide for called meetings of said company.

§ 11. This act shall take effect from its passage.

Approved March 24, 1884.

CHAPTER 446.

AN ACT to amend the charter of Bardstown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend and reduce into one the various acts in regard to Bardstown," approved March thirteenth, one thousand eight hundred and seventy-eight, be, and same is hereby, amended as follows: To change the title of said act, so as to make said title read: "An act to charter the town of Bardstown."

§ 2. Amend section two of article four of said act, by adding thereto the words: "No person shall be ineligible to said office by reason of having held same for two consecutive terms."

§ 3. This act shall take effect from and after its passage.

Approved March 24, 1884.

CHAPTER 447.

AN ACT for the benefit of Valentine Schneikert's heirs.

WHEREAS, The heirs of Valentine Schneikert, deceased, late of Louisville, Kentucky, are the owners in fee-simple of all that tract of land in Louisville, Kentucky, bounded on the north by Hamilton avenue, on the east by Pine street, on the south by Hull street, and on the west by Cooper street; and whereas, said land was heretofore laid off in lots, with alley running through the same, but it now appearing that the laying off of said land as aforesaid will greatly affect the value thereof; and whereas, said heirs are desirous of laying off said land in such a way as will benefit

themselves and the public alike, and convenient to the streets heretofore named ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the heirs of Valentine Schneikert and the owners of the land above described be, and they are hereby, fully empowered and authorized to close any and all such alleys heretofore opened by them, and they may re-plat said land, and open new alleys convenient to the public, and lay off said tract in such lots as they may think proper ; but in laying off said land and making a new plat therefor, they shall not interrupt the free or full use of either Pine street, Hull street, Cooper street, or Hamilton avenue, and in no way trespass upon any of said streets, avenues, or any sidewalk thereof.

§ 2. This act shall take effect from and after its passage.

Approved March 24, 1884.

CHAPTER 448.

AN ACT for the benefit of Mrs. J. K. Carr, of Lewis county.

WHEREAS, By an oversight of the trustees, twenty-five pupil children were omitted in the census report of common school district number fourteen, Lewis county, for the school year ending June the thirtieth, one thousand eight hundred and eighty-two ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his draft on the Auditor of Public Accounts in favor of Eugene A. Jones, commissioner of common schools, for the benefit of Mrs. J. K. Carr (Bettie Tussler), the teacher of the school of said district at said time, for the sum of thirty-five dollars and seventy-five cents (\$35.75), on which shall be paid seven dollars and ninety-two cents (\$7.92), entire amount of unbonded interest due the county aforesaid on its surplus bond, and twenty-seven dollars and eighty-three cents

(§27.83) out of the common school fund for the present school year ending June the thirtieth, one thousand eight hundred and eighty-four.

§ 2. This act shall take effect from its passage.

Approved March 24, 1884.

CHAPTER 449.

AN ACT to amend the charter of the Somerset Street Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of the charter of the Somerset Street Railway Company, approved April twenty-four, one thousand eight hundred and eighty-two, be, and the same is hereby, amended by adding to the names of the corporators mentioned therein the following names: O. H. Waddle, W. C. Curd, Robert Gibson, George Perkins, Andrew Gibson, W. F. Scott, T. Z. Morrow, J. F. Barker, A. J. Crawford, George W. Wait, J. M. Perkins, and E. M. Porch.

§ 2. That section two of said charter be amended by striking out "one hundred" where it occurs therein, and inserting "twenty-five" in lieu thereof.

§ 3. That section three of said charter be amended by striking out the word "four," where it occurs in said section, and inserting in lieu thereof the word "ten."

§ 4. This act shall take effect from its passage.

Approved March 24, 1884.

CHAPTER 450.

AN ACT to amend an act for the benefit of Logan county, approved April twenty-eighth, one thousand eight hundred and eighty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act, entitled 'An act to empower Logan county to retire the bonded indebtedness of the county at or before maturity, to create a sinking fund for that purpose, to provide for a commissioner of the sink-

ing fund and collector of taxes levied, and to prescribe the duties and powers of said officers' " approved April twenty-eight, one thousand eight hundred and eighty, be, and the same is hereby, amended by striking out of the sixth section of said act the words "if they can be purchased at par or under," said words occurring between the word "county," in the seventh line, and the word "or," in the eighth line of said section.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1884.

CHAPTER 451.

AN ACT to reduce the number of justices' districts in Shelby county, and to provide for laying off the boundaries thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The number of justices' districts in Shelby county is hereby reduced to six.

§ 2. That Harrison Bailey, John A. Middleton, and Lemuel Conner be, and they are hereby, appointed commissioners, whose duty it shall be to lay off and divide said county into six justices' districts. Said commissioners, before entering upon the discharge of the duties required of them by this act, shall take an oath before some officer authorized to administer same that they will faithfully and impartially, and with due regard to the convenience of the citizens of said county, discharge the duties of said office. In the event of the failure or refusal, from any cause, of any one of the above-named persons to qualify under this act, then the other two of said persons shall appoint a third person to act in the place of the one so failing; and in the event that two of said persons above-named fail or refuse to act, then it shall be the duty of the county judge of said county to appoint, by an order of record, three suitable persons, citizens of said county, who shall be sworn as herein provided, and discharge the duties herein prescribed. It shall be the duty of said commissioners, within six months after the

passage of this act, to divide the said county into six justices' districts, and fix and establish the boundaries thereof; and they shall make a report in writing of their acts to the clerk of the county court of said county, who shall record the same in the order-book of said county court, and thereafter the boundaries of said districts shall be as established and fixed in said report.

§ 3. That at the next regular election for justices of the peace in said county there shall be elected, by the qualified voters in each of said districts, two justices of the peace for each of said districts, whose powers and duties shall be the same as now provided by law for justices of the peace.

§ 4. That at the next regular election for constables in said county there shall be elected, by the qualified voters in each of said districts, one constable for each of said districts, whose powers and duties shall be the same as now provided by law for constables.

§ 5. Said commissioners shall receive for their services such compensation as the court of claims of said county may allow, and the same shall be paid out of the county levy.

§ 6. This act shall in nowise affect or impair the right to hold office, or the tenure of office, or limit the powers of the present incumbents of the offices of justices of the peace and constables in said county.

§ 7. This act shall be in force from its passage.

Approved March 24, 1884.

CHAPTER 452.

AN ACT to incorporate the Parson's Camp Ground, in Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. B. Jackson, J. A. Miller, J. H. Gooch, W. S. Markham, and A. J. Bailey, and their successors, be, and are hereby, created a body-corporate, under the name and style of the Parson Camp Ground Association, situated in Logan county, Kentucky; to have perpetual succession, with right to obtain, hold, sell, and convey and dispose of every

class of property necessary for the uses of this company, not to exceed in value five thousand dollars ; and may contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts in the Commonwealth, and transact all business in its corporate name for its corporate purposes; and may make by-laws for its government not inconsistent with the laws of the Commonwealth.

§ 2. Said company having erected, at considerable expense, shed and chapel for religious services, a dining-hall, and a number of cottages, stables, and a number of other buildings, &c., and the grounds inclosed with a neat fence, it shall be the object and business of said company to keep up and maintain said grounds, with all the appurtenances thereunto belonging, and to furnish good boarding or single meals for all persons who may desire it, and stables and provender for horses, and all other necessary accommodations for the public during religious services on said camp ground at fair and reasonable rates.

§ 3. The company shall have authority to forbid all transient persons from erecting booths, and selling confectioneries, fruits and melons, tobacco and cigars, or any kind of diet or provender for horses, at any place within one-half mile of said camp ground, without first obtaining the written permission to do so of said company.

§ 4. If any person or persons violate section three of this act, he or they, upon conviction, shall be fined in the sum of not less than ten dollars nor more [than] twenty dollars for each offense, to be recovered by warrant before any court of competent jurisdiction.

§ 5. The company shall have all the powers, rights, and privileges, and may do all the acts and things necessary to keep up said buildings, grounds, &c., and to police said grounds, that good order may be maintained during the religious services ; and to provide for the accommodation and comfort of the people during religious services, and at all other times from the beginning of any protracted meeting until its close.

§ 6. It shall be the duty of said company to post at least twenty printed copies of their rules and regulations at the

most public places on said camp grounds at the beginning of each protracted meeting.

§ 7. Nothing in the foregoing act shall be so construed as to prevent or restrict any person or persons attending services on said camp ground from bringing their own diet and horse feed, and eating and feeding it on said ground, nor from renting cottages and boarding themselves, &c.

§ 8. That it shall be unlawful for any person or persons to sell any spirituous, vinous, or malt liquors within two miles of said camp ground. If any person or persons violate this section, he or they, upon conviction, shall be fined in the sum of not less than twenty dollars nor more than fifty dollars for each offense, to be recovered by warrant before any court of competent jurisdiction.

§ 9. This act shall take effect from its passage.

Approved March 24, 1884.

CHAPTER 453.

AN ACT for the benefit of the McHenry Coal Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the McHenry Coal Company, which was incorporated and organized in Ohio county, under the provisions of chapter fifty-six of the General Statutes, shall have the right to purchase, own, and hold capital stock in any coal company incorporated or organized in the State of Kentucky, and may sell and vote the stock so held according to the provisions of its by-laws.

§ 2. This act shall take effect from its passage.

Approved March 24, 1884.

CHAPTER 454.

AN ACT to amend the charter of the Mt. Sterling Gas Light Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled "An act to incorporate the Mt. Sterling Gas Light Company," approved April eighteen,

one thousand eight hundred and seventy-three, be, and the same is hereby, amended by adding thereto as follows, to-wit:

§ 1. That if any person or persons shall willfully, by any means whatever, destroy any portion of the gas-pipes or fixtures, lamps, lamp-posts, burners, or any part of the works or machinery of said company, or shall willfully open a communication into the streets, or to its other gas-pipes, or let on gas after it has been stopped by the company, such person or persons shall be liable to the company for all damages occasioned thereby; and shall furthermore be subject to arrest and indictment as for a misdemeanor, and upon conviction thereof shall be fined in any sum, at the discretion of a jury, not exceeding one thousand dollars, or be imprisoned in the county jail not exceeding one year, or both so fined and imprisoned, at the discretion of the jury; but this section shall not be held to change the law as to arson or willfully burning the houses of the company.

§ 2. That the company have the exclusive privilege of erecting, establishing, and constructing gas-works in the city of Mt. Sterling under this charter, and of vending gas-lights for the period of fifteen years from its passage.

§ 3. This act shall take effect from and after its passage.

Approved March 24, 1884.

CHAPTER 455.

AN ACT to amend and reduce into one all the acts and laws in relation to the town of Trenton, in Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The town of Trenton, in the county of Todd, be, and the same is hereby, incorporated, and the town limits shall extend and embrace all the area included in the following boundaries, viz: Beginning at a rock in C. W. Ware's lot, which rock is north thirty-three and one fourth east eighty-five poles from the southwest corner of Dr. Grady's drug store, on Main street; thence south fifty-six and three fourths east one hundred and ten poles to a rock in

Dr. J. S. Dickinson's field; thence south thirty-three and one fourth west two hundred and eight poles to a rock in Dr. J. S. Dickinson's field; thence north fifty-six and three fourths west three hundred and twenty seven poles to a rock in J. C. F. McElwain's field; thence north thirty-three and one fourth east two hundred and eight poles to a rock in C. D. Runyon's field; thence south fifty-six and three fourths east two hundred and seventeen poles to the beginning.

§ 2. That J. W. McElwain, J. D. Rutherford, J. I. Basford, John Arrington, and Silas Bennett, are hereby appointed trustees of said town, who shall hold their office until the first Saturday in April, one thousand eight hundred and eighty-four, at which time, and annually thereafter, there shall be an election by the qualified voters of said town for five trustees, to serve for one year and until their successors are duly elected and qualified. Said trustees herein mentioned shall, before they enter on the discharge of the duties of their office, be duly qualified by some justice of the peace for said county that they will faithfully discharge the duties of said office.

§ 3. That said trustees, and their successors in office, shall be a body politic and corporate, and shall be known as the trustees of the town of Trenton; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all the courts of this Commonwealth.

§ 4. That said trustees, any three of whom shall constitute a quorum, shall elect one of their number chairman, who shall preside over the meetings of said board when convened, and who shall have power to convene the board in session whenever he may deem it necessary, and who shall convene said board when requested in writing to do so by any two members of said board.

§ 5. There shall be elected annually, at the same time the trustees are elected, a police judge for the town of Trenton, who shall serve until his successor is elected and qualified, whose jurisdiction and power shall be the same as that of a justice of the peace in the State of Kentucky; he shall be

commissioned by the Governor of Kentucky, and give bond for the faithful discharge of his duty.

§ 6. The board of trustees created under this act shall provide, prior to all elections, proper officers for holding the same, and shall give at least ten days' notice of the time and place of holding said election by written notices posted in at least three public places in said town.

§ 7. Said trustees shall have power over the streets, alleys, and sidewalks of said town, and may direct the opening, straightening, altering, or improving the same, in such manner as they may deem most beneficial; they shall have power to make all by-laws for the regulation and government of said town, not inconsistent with the laws of this Commonwealth and of the United States; they shall have the power to levy and collect a tax on the property and tithes of said town, not exceeding twenty-five cents on each one hundred dollars' worth of property, and not exceeding one dollar on each tithe, to be applied to the improvement of the streets, alleys, and sidewalks, and for necessary improvements: *Provided*, That no land used exclusively for farming, or timbered lands, shall be assessed for taxation until the same is cut up by streets and alleys into town lots. The valuation of property shall not exceed the valuation placed upon the same property by the county assessor; they shall have power to purchase any lot or piece of ground necessary to straighten or extend the streets therein; to tax shows and all public exhibitions, where fees for admittance are charged for, such a sum as their by-laws may fix; they shall have the power to grant coffee-house and beer-house license, grocers' and druggists' license, pool table, billiard table, Jenny Lind table, ten-pin alleys, and shooting galleries, and to provide a penalty for any one engaged in such games without procuring license. It shall be the duty of the said board of trustees to appoint a marshal, a treasurer, and a clerk, and such other officers as they may deem necessary; to take bonds with sureties; for a violation of duty or default of any officer so appointed, suit may be brought before any tribunal having jurisdiction thereof; a majority of said trustees, after

reasonable notice, may, for proper cause, remove any appointive officer, and appoint another to fill the vacancy.

§ 8. That no street or alley shall be extended over the land of any person unless such land sufficient to extend the same shall have been purchased as provided for in section seven, or unless it shall have been condemned as provided for in chapter eighty-four, section one, Revised Statutes, in reference to public roads; and the proceedings to extend said street or alley shall be in strict conformity to said chapter.

§ 9. That all fines and forfeitures inflicted and collected under the ordinances and by-laws of said town, shall be paid to the treasurer for the use and benefit of the corporation.

§ 10. It shall be the duty of the trustees of the town to keep the streets, alleys, and sidewalks in good repair. They are hereby authorized to tax the citizens and owners of property a sum sufficient for that purpose, provided the taxation does not exceed the rates specified in section seven. The citizens of said town are hereby exempt from working on public roads outside of the corporate limits.

§ 11. The police judge, in addition to the powers conferred on him by section five, shall have exclusive jurisdiction, subject to appeal, of all town ordinances and by-laws.

§ 12. The town marshal shall give bond and be qualified in the Todd county court the same as constable, and whose powers shall be the same as a constable of the State of Kentucky. It shall be his duty to execute all processes to him directed by the police judge; to preserve the peace and order in said town, and to collect the revenue of said town. Before entering on the discharge of his duty as collector of the revenue he shall give bond, with security, to be approved by the trustees. Vacancy occurring in the office of police judge shall be filled in the same manner as vacancies in the office of justice of the peace are now filled.

§ 13. That all male persons over twenty-one years of age, who are legal voters, whose place of business, office, lodging, or daily avocation is within the limits of said town, shall be deemed citizens, and allowed to vote for all the officers

electd by the citizens, and shall be competent to hold any office, either elective or appointive, in said town, and list their tithes and pay their taxes the same as other citizens.

§ 14. That no person shall be eligible to the office of police judge until he is thirty years of age, and no one shall be eligible as a trustee of said town who, at the time of his election, cannot read and write intelligently, or who is indebted to said town for taxes or otherwise; and no collector or keeper of the town funds shall be eligible until he has settled with the town and obtained a discharge in full.

§ 15. The marshal or collector of tax shall have the same power to levy or distrain for taxes that the sheriffs of the State of Kentucky now have.

§ 16. That the board of trustees shall have authority to own, build, or erect a safe and commodious prison house or lock-up in said town, which shall be placed in charge of the marshal, or such other person as they may deem fit, which shall be used for the confinement of all persons who may be consigned thereto by the police judge; and for the safe keeping of such persons as may be condemned to work on the streets, alleys, or sidewalks of said town, while not at work.

§ 17. That any one against whom a fine or penalty is assessed for violating any ordinance of said town, shall fail to pay or replevy the same, together with the costs of the proceedings, the police judge shall have the power to direct the confinement of said person in the town prison or lock-up, and he may direct that such person be placed at labor on the streets and alleys of said town, under direction of the marshal or street overseer, until said fine and costs are paid at the rate of one dollar per day.

§ 18. The board of trustees shall have power to appoint a board of health and invest it with such powers, and impose upon it such duties as may be deemed necessary to preserve the health of said town, and to prevent the introduction and spreading of all contagious and infectious diseases.

§ 19. That no license allowed herein to be granted by the trustees of said town shall be for a longer time than one year, but may be for a shorter time, in the discretion of the

board; and the charges therefor shall be paid to the treasurer of the town quarterly in advance.

§ 20. That the board of trustees may, in their discretion, grant license for not more than one year at a time, to druggists and apothecaries, doing business as such in good faith, to sell spirituous, vinous, and malt liquors for medical purposes alone, upon the person applying for such license producing satisfactory evidence to them that he is a druggist or apothecary in good faith at the date of his application; and executing a bond, with approved security, in the sum of two hundred dollars, payable to the trustees of the town of Trenton, to the effect that neither he nor any one in his employ will sell any spirituous, vinous, or malt liquors in the town of Trenton, except upon the written order or prescription of some resident physician of Todd county, of sobriety and good standing in his profession, and who has no pecuniary interest in said liquors, and no interest, direct or indirect, in said sale. Said order or prescription shall state the name of the person to whom the liquors are to be sold, that it has been prescribed for such person or some member of his family in good faith as medicine, and shall be good for one selling only. Any druggist or apothecary convicted of selling spirituous, vinous, or malt liquors in violation of the provisions of this section, shall be fined in a sum not less than fifty dollars, and shall thereby forfeit his bond, and the full amount thereof may be recovered by a suit thereon in the Todd circuit court in the name and for the benefit of the trustees of the town of Trenton. The board of trustees shall, by an order made upon its books, suspend his license upon his conviction of said offense.

§ 21. That any physician who shall prescribe spirituous, vinous, or malt liquors to be purchased in the corporate limits of the town of Trenton, otherwise than as a medicine, and in good faith, or who shall fail to date or sign such prescription when given, and any person who shall make or use, or shall assist another to make or use a false and fraudulent prescription, or shall use a prescription that has previously been used, or shall sell spirituous, vinous, or malt liquors by himself or another, upon a false and fraudulent

prescription, or shall, by any device whatever, evade the provisions of this act, shall be fined not less than fifty nor more than one hundred dollars for each offense. Nothing in this or the preceding section shall be construed as forbidding the sale of wine for sacramental purposes. Nor shall they be construed to prohibit any druggist or apothecary in said town from taking out coffee-house license to retail liquor in any quantity, provided he pays the same amount which saloon-keepers pay for their license.

§ 22. That all laws in conflict with this law are hereby repealed.

§ 23. This act shall take effect and be in force from its passage.

Approved March 24, 1884.

CHAPTER 456.

AN ACT levying and imposing a tax on the dogs of Pendleton county, and providing for its collection and appropriation to the payment of claims by the owners of sheep in said county occasioned by dogs killing and injuring sheep.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an annual tax of fifty cents on each dog, and one dollar on each bitch, in Pendleton county, be, and the same is hereby, levied and imposed, to be collected and appropriated as provided for in this act.

§ 2. That the assessor of Pendleton county shall take a list each year of all the dogs and bitches in said county, and return the same to the county court clerk's office at the time he returns his assessment of county and State taxes. The assessor shall provide a book for that purpose, and shall enter said lists therein in a plain handwriting, showing the names of the persons listing said dogs and bitches, and the number of each listed by each person. The said book shall be styled the dog tax-book of Pendleton county, and the assessor shall sign it at the close of said lists or assessments; and it shall be kept by the county court clerk as other public records, and be county records and open to inspection.

§ 3. It shall be the duty of each person in said county, when called on by the assessor each year, for the purpose of taking his list for State and county assessments and levies, to furnish and give to the assessor a verbal statement, under oath, to be administered by the assessor, showing the number of dogs and bitches owned and kept by such person, or by any member of his family residing with him, on the tenth day of January for the year said assessment or list is being taken. The person giving in said dogs or bitches shall be liable for the tax against the same, and the same shall be collected from him as herein provided. Any person refusing to give in such list to the assessor shall be reported by him to the county court in writing, and said court shall cause him to be summoned to its next term to show cause for his said failure or refusal; and if he fail to respond or to show good cause he shall be fined ten dollars by the court, to be collected from him and paid over as a part of the dog tax. Said person shall then give his said list to the court for taxation, and the sheriff shall then collect the tax thereon, or the court may hear proof concerning said list and provide the sheriff with the list for taxation and collection.

§ 4. That the assessor shall be allowed five cents for each dog and bitch assessed by him under this act and properly reported on his list, and the same shall be paid out of the dog-tax on the order of the county court, which order may be made at any time before the distribution of the fund, and paid him out of said fund on said order.

§ 5. That the assessor shall be fined not exceeding five dollars for each dog or bitch that he fails, through carelessness, neglect, or want of reasonable diligence, to list, and a like sum for each failure to swear any person to his list; and each failure to perform either of such duties shall be deemed a separate offense. The said fines may be recovered by a warrant before a justice of the peace, county judge, or by indictment in the circuit court; for a violation on his part to perform any other duty imposed on him by this act he shall be fined in any sum not exceeding one thousand dollars, to be recovered by indictment; and said fines, when

collected, shall be part of the sheep fund provided for by this act, and shall be paid over to it by the collecting officer.

§ 6. The sheriff of Pendleton county shall, by virtue of his office, be collector of said tax levied by this act, and he and his sureties on his county levy bond shall be liable to the county therefor when a good and sufficient county levy bond is taken; but if no such bond be given by the sheriff, then he and his sureties on his general official bond shall be liable to the county therefor, and the county attorney shall, in the name of the county, institute and prosecute all necessary actions on such bond against the sheriff or his sureties, or any of them, as may be necessary to recover said fund or any part of it in the hands of the sheriff going to said sheep fund hereby established.

§ 7. The sheriff shall have all the powers and rights in collecting said tax that he has in collecting the county and State taxes and levies, and may proceed in the same manner as he may in collecting the county and State taxes and levies, and no property of any kind shall be exempt from said taxes. The sheriff shall collect said taxes, and make settlements of his accounts concerning same with the county court, or commissioner appointed by it, and he shall pay the same over as said court may order, on or before the first day of January each year.

§ 8 The sheriff, in collecting said taxes, shall, in every case, first apply therefor to the person who listed the dog or bitch and collect the same of him or her; but if such person was not the owner of such dog or bitch at the time of listing, and fails on such application to pay the same, or refuses to do so, and such person was living upon the premises of another at the time of giving in the list, then the sheriff shall apply to the owner of the premises upon which the party owning the dog or bitch resided when the list was taken for payment of such taxes, and shall proceed to collect the same from the owner of said premises as though the taxes were against him. All of the taxes provided for by this act shall be due and collectable each year as soon as the assessor returns his said list to the county court clerk; and the sheriff shall proceed to collect the same without

delay; and for his services in collecting and paying over said taxes he shall be allowed the same commission that he is allowed by law for collecting the county levy, and to be retained by him in the settlement of said fund with the county court.

§ 9. That any dog or bitch listed for taxation under this act belonging to a resident of Pendleton county is hereby declared to be personal property, and the owner thereof may maintain a civil action and proceeding for any injury or damage done thereto, or for the recovery thereof, or for the value thereof, or other action that may be had by him in regard to other personal property. Any such dog or bitch shall be the subject of petit larceny; and any person committing a larceny of such dog or bitch shall, on conviction thereof, be punished as provided by law for that offense. In any action for damages or recovery of a dog or bitch, the court or jury may allow the plaintiff exemplary damages.

§ 10. That each owner of land in said county shall also be liable and responsible for the tax levied and imposed hereby upon all the dogs and bitches owned or kept or given in by any person or tenant living upon his or her land or premises. Such responsibility, however, to be only for the tax on such dogs and bitches as were owned or kept or given in by such persons or tenants as of January tenth each year, while such persons or tenants were so residing upon the land or premises, or was the tenant of the person so sought to be held liable for said taxes.

§ 11. The tax, when collected, shall be paid over to the county receiver as the other county levies are paid. The receiver shall be liable for the same under his official bond. He shall pay over same at any and all times to such persons and in such amounts as may be ordered by the county court or other proper legal authority. Upon failure to pay over said sums, the county attorney shall proceed upon such bond in the same manner as failure to pay over the county levy.

§ 12. That any person residing in and owning sheep in said county, injured or killed by dogs therein, may, on or before the tenth day of January next succeeding the time of

such injury or killing, and not after that date, produce and file in the county clerk's office with said clerk a statement in writing showing when the sheep were injured or killed, and where, and the number injured and the number killed, and by what dogs if he knows, and the value of the sheep killed, and the extent of the damage done to those injured. Which statement shall be in writing, and signed and sworn to by the owner of such sheep, and must be accompanied by the affidavits of at least two credible persons residents of the county at the time of the killing or injury, stating that they had examined said sheep, and their value, and the amount of damages done to those not killed but injured, and that the claimant was, at the time of the killing or injury, a resident of Pendleton county, and that neither of the witnesses reside within one mile of the party presenting the claim, and are not related to him, and have no interest in the claim. Said affidavits may be presented at any time up to January tenth succeeding the killing or injury complained of; when they do not accompany the claims, and when any claim is presented which is believed by any resident of the county to be unjust, and not a valid claim against said fund, he shall so inform the county attorney, stating the grounds for his belief, and if his grounds are reasonable, it shall be the duty of the county attorney to contest such claims, and he shall for that purpose cause a notice of the time that he will appear before the county court and move a rejection in whole or part of such claim to be served on the claimant, and may cause witnesses to be summoned and produced in court; and at the time specified he shall make his proposed motion, which shall be heard and tried as other motions in said court, each party having the same right as in other like proceedings, and the court render such judgment as it may deem just and lawful in the premises. The county attorney shall prosecute the case in the name of the county as plaintiff, and there shall be no appeal in the case. Either party may demand a jury trial when the claim exceeds sixteen dollars. The county attorney shall contest any claim against said fund that he believes unjust in whole or in part.

§ 13. The county court shall, on or before the first Monday in February in each year, call up for adjudication all the claims filed against said sheep fund for the previous year up to the preceding tenth of January, and shall pass upon said claims, and allow such as are not contested or so much thereof as it may deem just and legal, as shown by the proof on file; and such claims as may be objected to or contested shall be tried and disposed of as rapidly as practicably by the county, giving the parties proper continuances when asked for. When said claims are called up the county attorney shall be present, or some other attorney may be appointed to act in his place by the court, and may object to the allowance of any claim in the name of the county; and such claim may be regularly tried on the affidavits and proof, and such other testimony as may be produced by the parties, reasonable time being allowed them by the court by an adjournment of the trial. The costs shall be adjudged against the unsuccessful party on any claim or disputed claim. So soon as the claims presented, as herein provided, for any year, are all passed upon by the court, then it shall be the duty of the court to order the receiver to pay over to the claimants whose claims are allowed by the court, after deducting all cost of collecting and distributing said funds, including assessor's, collector's, receiver's fees, and all costs that may have been adjudged against it in the litigation of any claims against said fund, and any other cost against said fund provided for by this act. If, however, the fund be insufficient to pay all the claims, the court shall order all fees, costs, and judgments against said fund paid as aforesaid, and order the remainder of said fund to be prorated amongst the claimants whose claims are allowed.

§ 14. The receiver shall retain five per cent. of the funds arising from said dog tax as compensation for his services, and the court shall so estimate his fee in ordering payment on claims.

§ 15. The county court may, by proper order, release any person from an erroneous or illegal or improper assess-

ment of said tax at any time before said taxes are ordered to be paid over by the receiver on claims.

§ 16. That any person knowingly swearing to a false statement to the assessor as to the number of dogs or bitches it is made his or her duty to give in under this act, shall be guilty of false swearing, and shall be subject to all the pains and penalties for that crime.

§ 17. That it shall be the duty of the assessor to make out his lists by magisterial districts, and to arrange the lists alphabetically in his book; and the county court clerk, on the receipt thereof, shall make a certified copy thereof, and deliver the same to the sheriff on or before June first of each year. The sheriff shall then proceed to collect same, and may distrain and sue therefor at once if necessary. The clerk, for his services in copying, shall be paid the same as for like services in copying the county levy, to be paid out of the sheep fund.

§ 18 The county court shall cause to be published in the county paper, if one be published in the county, on or before the tenth day of February each year, all of the claims, and by whom presented, against said sheep fund.

§ 19. That if there should be a surplus of said sheep fund for any year, after paying off the claims and costs against it, such surplus shall be considered as belonging to the county, and, on order of the county court, shall be paid over on claims against the county, or it may be appropriated by the county court to county purposes.

§ 20. That the dog-tax, when collected under the provisions of this act and paid over to the receiver, shall constitute a fund to be designated the Pendleton county sheep fund, and it shall be appropriated to the payment of the damages and injury to sheep in said county by dogs, as provided in this act.

§ 21. This act shall not be enforced until it has received in favor of its enforcement a majority of the votes of the elections of said county, cast at the August election, one thousand eight hundred and eighty-four; and to take the sense of said electors on said proposition, the same shall be submitted to them at said election, and the vote thereon

taken, counted, [canvassed], and the result declared as other votes at such elections: *Provided*, That the certificate of the result shall be recorded in the order-book of the county court: *And provided further*, That this act shall be printed and posted in at least three conspicuous and public places in each voting precinct, for not less than sixty days preceding said election, and published, within the sixty days aforesaid, in at least four consecutive numbers of a weekly newspaper published in said county.

Approved March 24, 1884.

CHAPTER 457.

AN ACT to incorporate the town of Olive Hill, in Carter county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Olive Hill, in Carter county, be, and the same is hereby, incorporated. The boundaries of said town are as follows, viz: Beginning on the north bank of Tygart creek, at the mouth of the Henderson branch; thence northwardly with the branch ($\frac{3}{4}$) three quarters of a mile; thence due east to the county road leading from Dr. John H. Steel's to "Trough Camp" creek; thence with said road to where it intersects the Old State Road east of the residence of said Steel; thence due south, including the residence of said John H. Steel, to Tygart creek; thence with the creek westwardly to the beginning.

§ 2. The officers of said town shall consist of a police judge, marshal, five trustees, clerk, collector, treasurer, assessor, and attorney or solicitor, who shall be elected at the time and in the manner stated hereinafter, and shall hold their respective offices for the term of two years, and do and perform such duties and exercise such powers as herein delegated: *And provided, however*, The county court of Carter county may appoint a police judge and board of trustees to act until the first regular election provided for in the third section of this act.

§ 3. On the first Saturday in May, one thousand eight hundred and eighty-four, there shall be elected by the qualified voters of said town a police judge, five trustees, and a marshal; and for the purpose of holding and conducting said election, the county court of Carter county shall appoint three discreet persons (two judges and one clerk), and shall, by its order, designate the place of voting, and the hour of opening and time of closing the polls. The persons appointed as aforesaid shall superintend the election, see that none but persons duly qualified vote thereat; and, before separating, shall certify and seal the poll-book, and within five days deposit said poll-book with the clerk of the Carter county court; and on or before the first day of Carter county court next ensuing, the judge and clerk of said court, together with the sheriff of Carter county, shall compare said poll-book, and give certificate to the persons elected; and in case of tie, shall determine by lot, as provided by section six, article five, chapter thirty-three, General Statutes. The judge, clerk, and sheriff aforesaid shall make a statement in writing, showing the persons voted for said officers, the number of votes cast for each, the names of those declared elected, and to whom certificate has been issued, and present said statement to the county court, when it shall be made a matter of record in the order-book of said court. The election of police judge they shall certify to the Governor, who shall commission the judge-elect.

§ 4. The election to be held on the first Saturday in May, one thousand eight hundred and eight six, and each second year thereafter, shall be conducted by three persons, to be selected by the board of trustees for said purpose in the month of April next preceding. The place of voting shall be designated by the trustees; and notice of the election, specifying the time and place of voting, offices to be filled, and the time of opening and closing, shall be published at least five days in newspaper, if any be printed in said town; if none, then by written or printed notice, posted at three or more public places within the corporate limits. The persons conducting said election shall certify and seal the poll-book before sepa-

rating, and on the next day shall deposit it with the town clerk for safe-keeping. Within five days next after said election the committee appointed by the board of trustees shall examine and compare the poll-books, and give certificate to the persons elected, and in case of tie, determine by lot as provided in section three. They will send statement to the Carter county court, showing the persons voted for, the number of votes received by each, and to whom certificate has been issued, which statement shall be entered of record on the order-book of said court, and from said statement the judge and clerk of said court shall certify the election of police judge to the Governor. Before entering upon the discharge of their duties, the officers or persons appointed to conduct elections within and for said town, shall take the oath required of officers of election for State and county officers.

§ 5. All persons qualified to vote for State and county officers, who have been for sixty days next preceding *bona fide* residents of said town, shall be entitled to vote at all elections for officers of the town.

§ 6. Before entering upon the discharge of their duties, each and every officer of said town shall take the oath required by the Constitution of Kentucky; and shall execute covenant, with good security, conditioned that he will faithfully discharge all the duties of said office, and pay over in due time, and to the person entitled to receive the same, any money collected by him or which came to his hands by virtue of his said office.

§ 7. The police judge of said town shall be a conservator of the peace throughout the county. Before entering upon the duties of his office he shall lodge his commission in the clerk's office of the Carter county court, and in said court take the oaths required of judges and justices of the peace, and execute bond conditioned as required by section six, which bond shall be noted on the order-book, and filed and preserved in the clerk's office of said court.

§ 8. The police judge of said town shall have the same power, authority, and jurisdiction to hold examining courts as is now possessed by Carter county court judges, and the

same power, authority, and jurisdiction within the town now had by justices of the peace in the trial of persons charged with misdemeanors and violations of the penal laws of this State. The police judge shall have the same jurisdiction possessed by justices of the peace in civil actions, and in the trial and determination of suits brought in his court, where the process is served within the limits of the town. He shall have exclusive jurisdiction of and power to inflict penalty or punishment for violations of the ordinances of said town.

§ 9. There shall be held monthly, beginning on the fourth Tuesday in each month, a term of the police court for the trial and determination of civil causes, which term shall continue till all cases on the docket be disposed of by continuance or otherwise.

§ 10. In case of death, resignation, sickness, or absence of the police judge, or when from any cause he cannot properly preside, the powers and duties of said office shall devolve upon and be exercised by the chairman of the board of trustees, until such time as the judge return, or the disability be removed, or the successor of said judge be properly elected, commissioned, and qualified; and when so acting, all the power, authority, and jurisdiction hereby conferred upon the police judge shall vest in said chairman.

§ 11. All processes from the police court of said town shall be addressed to the marshal of Olive Hill, and in penal proceedings, and for breach of ordinance, shall be in the name of the Commonwealth of Kentucky, for the use of the town of Olive Hill; and all fines assessed by and before said court shall be for the use of said town, and when collected shall be paid to its treasurer.

§ 12. All summons and other process issued by the police judge of said town in civil actions or proceedings, and in penal prosecutions, shall be returned to and before the police court, except where by statute they are required to be returned to the quarterly or circuit court.

§ 13. The police judge shall keep a fair, full, and complete record of all proceedings, criminal, penal, and civil,

had in his court, which shall at all times be subject to inspection of any person interested.

§ 14. The trustees of said town first elected, and their successors in office, shall be a body-politic and corporate, and known as "The Board of Trustees of the Town of Olive Hill;" and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in any and all courts of this Commonwealth. Said trustees shall meet on the third (3) Wednesday in each month, and at such other times to which they may choose to adjourn. At their first meeting they shall elect one of their number chairman, who shall preside at their meetings, and perform the duties of police judge in case of his sickness, death, resignation, absence, or disability, as provided in section ten. At said first meeting said board shall, after organization, elect, in such manner as they deem proper, the other officers of said town not elected by the people, viz: Assessor, clerk, collector, treasurer, and solicitor or town attorney. All of whom, before they enter upon the duties of their respective offices, shall be duly sworn, and execute bond, with sureties approved by the board, conditioned as required by section six, which bonds shall be attested by the chairman, and recorded by the clerk and filed in his office. A complete record of all proceedings of the board shall be kept by the clerk, and be presented and corrected and signed by the chairman.

§ 15. All ordinances passed and enacted by said board of trustees shall be recorded by the clerk in [a] book kept for that purpose, to which a complete index shall be made and kept up; and before taking effect, all such ordinances shall be published at least ten days. Such publications may be by advertisement in any newspaper printed or published in said town, or by printed or written notice posted in three or more public places in said town.

§ 16. Said board of trustees are hereby authorized and empowered, by ordinance—

1. To fix the grade of streets and alleys, and direct and provide for their improvement.
2. To require and provide for the construction of all necessary sewers, culverts, and bridges.

3. To cause to be constructed sidewalks along the streets and alleys; to designate the width of same, and material out of which to be made.

4. To define, prevent, and abate nuisance, and prosecute punishment against violators.

5. To prevent the illegal sale of spirituous, vinous, and malt liquors.

6. To punish persons guilty of unlawful gaming, adultery, fornication, or other immoral conduct, drunkenness, and Sabbath-breaking.

7. To regulate the storage and sale of gunpowder, blasting powder, coal oil, naphtha, gasoline, turpentine, and other dangerous explosive or inflammable substance; and the sale of fresh meat, fish, vegetables, and fruits.

8. To tax and license the performance of theatrical companies or combinations, concert or minstrel troupes, circuses, menageries, or other shows or exhibitions, and to fix the tax or price of each performance, the manner of collecting, and the penalty for exhibiting or showing without first having paid tax and obtained license.

9. To provide for the erection of a prison in which to keep and punish offenders, and the erection of buildings suitable for a town hall and public offices, and to procure land for such buildings by donation, purchase, lease, or otherwise. In fixing penalty for violation of any ordinance, the board shall not expend the sum of thirty dollars; nor shall it in any case be less than two dollars.

§ 17. The board may by ordinance require the owners of property within said town to make sidewalks in front of their respective lots, and if it shall so ordain and direct, notice in writing, specifying the width of the walk, the kind of material to be used, and the time within which the work must be begun, viz: not less than thirty days, shall be served on the owner of said lot or lots. If, however, the owner or owners do not reside in said town, and cannot be personally served, then notice served upon his agent, tenant, or person occupying or in possession of the premises, shall be sufficient, and if it cannot be thus served, notice in writing, posted as in case of ordinances (section fifteen), shall be sufficient. If the

owner or owners of such lot or lots fail, for sixty days after service of notice as aforesaid, to begin to make such sidewalk, and diligently prosecute the work to completion within ninety days after notice as aforesaid, it shall be lawful for the board of trustees to contract for the erection and making of said sidewalk at the expense of the owner; and the person doing the work under such contract shall have a lien upon the property or lots in front of or on which said walks are built: *Provided*, That he, within sixty days after completion, file in the clerk's office of the Carter county court, showing the amount or value of the work done by him under such contract, when begun, and when completed, the name of the owner of the property, and place of abode, if known; which lien shall be valid, enforceable in equity for six months from and after filing said statement.

§ 18. Any person who shall be guilty of a breach of the peace, or who shall in any public place, street, or alley make an indecent exposure of his or her person, or who shall use any obscene, vulgar, or threatening language, shall, upon conviction, be fined not less than five dollars nor more than thirty dollars.

§ 19. Any person found in any public place, street, or alley drunk, or using any profane or boisterous language, or acting in a threatening manner, shall, upon conviction, be fined not less than two dollars nor more than twenty dollars.

§ 20. Persons against whom fines have been assessed, who fail to pay or replevy same, may be required to liquidate said fine by working on the streets or alleys, sewers, and so forth, at the rate of one day for each one dollar of fine; and, when so working, may be confined by chain and ball.

§ 21. No license or authority to sell spirituous, vinous, or malt liquors within the corporate bounds of said town shall be granted by the county court of Carter county, or any other court, power, or tribunal till the person applying therefor shall produce and file a writing, signed by the clerk of said town and chairman of the board of trustees, showing that said board had granted the applicant the right to

sell and vend such liquors. He shall also produce and file the receipt of the treasurer, showing that he has paid into the treasury the sum of two hundred dollars for the privilege of selling and vending such liquors for one year; but nothing in this charter shall be construed as dispensing with the payment of the usual State tax.

§ 22. Any person who shall sell spirituous, vinous, or malt liquors, or any mixtures or combination of either, designed or used as a beverage, without first obtaining the right so to do from the board of trustees, shall be fined not less than twenty-five dollars nor exceeding one hundred dollars, each separate selling to constitute a distinct offense.

§ 23. Any person who shall sell, lend, or give, procure for, or furnish to any minor or known inebriate, any of the liquors or mixture or combination described in section twenty-two, shall for each offense be fined the sum of fifty dollars.

§ 24. It shall be lawful for the marshal of said town, upon the conviction of any person for either of the offenses named in sections twenty-two and twenty-three, to take charge of the bar-room, saloon, or other place where such liquor was sold, given, loaned, or furnished, and take into his custody the stock therein, and hold same until the fine be paid or secured; and upon failure to pay said fine or secure its payment within ten days, he shall sell the stock and fixtures for cash, and deliver same to the purchaser, and see that he immediately remove such liquors beyond the town limits.

§ 25. The board of trustees shall have power, at the regular meeting in July in each year, to levy taxes upon the real and personal property in said town subject to taxation for State revenue and county levy, and upon all persons subject to payment of per capita taxes for county purposes residing in said town on the first day of June in said year, as follows: On all real and personal property, notes, accounts, choses in action, &c., not exceeding (\$1) one dollar on each (\$100) one hundred dollars; on each person subject to county levy tax residing in said town, not exceeding two dollars.

§ 26 The assessor of said town shall, beginning on the first Monday in June each year, make an assessment of all Assessor.

the property in said town subject to taxation. He will value same on first day of June; he will also show and report the name of all persons subject to per capita or town levy tax; he will also return his book to the clerk on or before the regular meeting of the board held in the month of June; if the owner of any property refuses to list it, he will ascertain its value from the sworn testimony of three persons resident and owners of property in said town, and assess it at double the value thus ascertained; he shall receive for his services such compensation as may be fixed by the board of trustees, not exceeding ten cents for each list by him reported.

§ 27. At the regular meeting in June each year the board of trustees shall appoint a committee of equalization, consisting of three persons, one of whom shall not be an office-holder of the town. Said board shall, within three days next after its appointment, meet at the place provided by the board of trustees, and shall be sworn to faithfully and impartially discharge their duties, and proceed at once to examine the book of assessment of property and lists of tax-payers returned by the assessor, ascertain the correctness of his assessments, and mark to raise or lower value of such as they think improperly valued. No change shall be made till the owner or agent, if resident in the town, shall have been notified in writing to appear and show cause why the property listed by him shall not be re-valued. Said notice shall specify the property, the value reported by the assessor, and the value proposed to be placed on it. If the owner be not resident, and is not served personally, notice shall be posted at three or more public places in the town describing the property, and so forth, and stating time fixed by board for its final action. Having acted upon the book and lists, they will return them to the clerk on or before the fifteenth of July, and he shall immediately copy same and deliver said copy to the collector, taking his receipt therefor.

Attorney.

§ 28. The attorney or solicitor shall be a regular practicing lawyer. He shall prepare such ordinances as required by the board of trustees, shall prosecute all persons brought before the police judge charged with misdemeanor

and violation or breach of ordinance. For his services he shall receive — per cent. of all fines assessed in cases prosecuted by him.

§ 29. The clerk of said town shall attend all meetings of Clerk.
the board of trustees and keep a record of all its proceedings, which record shall be read and corrected and signed by the chairman. He shall record all by-laws, rules, regulations, and ordinances in a book kept for the purpose, and prepare and keep up an index to same. He shall prepare, record, file, and preserve all official bonds of the various officers of said town other than judge, and prepare and post all notices required by the board, and preserve a copy of each notice so posted. For his service he shall receive such compensation as, from time to time, shall be fixed or allowed by the board.

§ 30. The collector shall, as speedily as possible after Collector.
receiving copy of tax-lists and book, proceed to collect all taxes due said town, and on or before the fourth Monday in January in each year shall settle his accounts with, appointed by the board of trustees. He shall make out a list of all delinquent tax-payers, and the amount due from each, and the property taxable, and so forth, and return same to the board of trustees at the January meeting. He is hereby vested with power to distrain and sell property for taxes; and in case there is no personal property he can distrain, he is empowered to levy on and sell real estate for taxes due thereon. He is hereby vested with all the powers possessed by sheriffs for this purpose. He shall, on or before the first Monday in each month, render to the treasurer a sworn statement, showing the amount of money collected by him in and during the month preceding; and shall pay over to the treasurer all moneys by so collected, taking his receipt in duplicate, one of which shall be filed with the clerk.

§ 31. The treasurer shall receive and receipt for all moneys Treasurer.
belonging to said town collected by the clerk, collector, or marshal, and shall only pay out money on the order of the board of trustees, signed by the chairman, and attested by the clerk; and upon said order he will take receipt, showing

date of payment, amount, and to whom paid. He will make report to board each month, showing amount in the treasury, amount received and paid out during the month previous or since last meeting.

Marshal. § 32. The marshal of said town shall execute all process and precepts from the police court. He shall be active, vigilant, and diligent in preserving order within the town. He shall arrest all persons violating the ordinances of the town, and those guilty of breach of the peace, and the various officers named in sections eighteen, nineteen, twenty-two, and twenty-three. In making arrest for offense committed within the town he may, if necessary, pursue an offender to any part of Carter county. He may have one or more deputies to aid him in discharge of his duties, and for their acts he shall be responsible on his official bond. Such deputy or deputies shall, before acting, take the oaths required of marshal, and may be required to execute a similar bond.

§ 33. The offices of collector and marshal shall not be incompatible, but if held by same person, separate bonds shall be given for the performance of the duties of each office.

§ 34. If at any time a vacancy occur in the office of police judge, marshal, or trustee, the board of trustees shall select his successor to act during the remainder of the term; and if at any time the people fail to elect officers at the regular election, the county court of Carter county shall, upon petition of three or more citizens of the town, appoint five suitable persons trustees to serve until the next regular election, and the trustees so appointed shall select a police judge and other officers, and report their names to said court.

§ 35. This act to take effect and be in force from and after its passage.

Approved March 24, 1884.

CHAPTER 458.

AN ACT for the benefit of J. N. Eskridge, of Grayson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasury in favor of J. N. Eskridge, of Grayson county, committee for Ure Smith, of Grayson county, for the sum of forty-eight dollars and eighty-one cents.

§ 2. This act shall take effect from and after its passage.

[Became a law without the signature of the Governor.]

CHAPTER 459.

AN ACT to amend and repeal in part an act, entitled "An act for the benefit of the city of Frankfort," approved April twenty-six, one thousand eight hundred and eighty two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The city of Frankfort having a large floating debt, now, for the purpose of funding the same, and to provide for the payment thereof, said city is hereby authorized to issue its coupons bonds in sums not exceeding seventy-five thousand dollars in the aggregate, for any period not exceeding twenty years, bonds and interest payable at such place as may be fixed by ordinance, bearing interest not exceeding six per cent. per annum, payable semi-annually; said bonds to be in denominations of not less than one hundred dollars, nor more than one thousand dollars. Said bonds shall be issued before the board of councilmen, in open session, and a register of such issue made upon its journal; they shall be signed by the mayor and countersigned by the clerk, and bear the seal of said city, and the coupons shall be signed by the clerk alone. Of said bonds, fifty thousand dollars shall bear six per cent. interest, be specially registered as issued, and delivered in payment of that amount due from the said city for the fund collected by it from the lottery, and so invested, as required by law, for the benefit of the Frankfort city school, and when so issued, to be delivered to the board

of sinking fund commissioners for safe-keeping. The remaining twenty-five thousand dollars of said bonds may be sold and disposed of by the board of councilmen upon such terms and in such manner as may be deemed best by the board of sinking fund commissioners for the interest of said city, but not below the par value thereof.

§ 2. And whereas, there has been no sinking fund created for the purpose of retiring the present indebtedness of said city, now to provide for the prompt payment of the interest and principal at maturity, not only of the present bonded indebtedness of said city, but also for the bonds hereby authorized to be issued, a sinking fund is hereby created therefor, to consist, first, of all moneys collected and received by said city from all licenses of every description, other than such part thereof as by law the city is required to pay into the State Treasury; and second, a sum to be by the board of councilmen of said city levied and collected as taxes in said city annually, as will be sufficient, when added to the amount realized from licenses, to pay the interest and retire the principal of said bonded indebtedness as it matures; and all officers of said city, whose duty it is to collect or receive any part of the said funds so set apart to said sinking fund, shall, as fast as the same is received, pay the same over to the board of sinking fund commissioners, first however, obtaining a permit from the clerk of said city for said payments; which permit shall be dated, give the amount of the payment to be made, and the source from whence the money to be paid was collected or received; said collecting officer shall not, however, receive credit for such payment until he return to the city clerk the receipt of the board of sinking fund commissioners therefor.

§ 3. A board of sinking fund commissioners is hereby established for said city, to consist of the cashiers of the three banks now established in said city and the mayor of said city; said sinking fund commissioners shall make an annual report of their doings and transactions to the board of councilmen of the city of Frankfort, and execute to said board a bond, to be approved by it, for the faithful discharge of their duties. If at any time the cashier of

either of said banks shall refuse to act as a member of said board, the board of councilmen shall declare his place in said board vacant, and proceed by ballot to elect a suitable person to fill the same. No person except the mayor, who is in any way connected with the city government, or any office thereof, or who is not a resident of said city, and has resided therein four years, shall be eligible to a position in said board. Said board shall elect a president, a secretary and treasurer from its members. It shall be the duty of said board to receive from the proper collecting officers of said city, and receipt to the same therefor, of all moneys and dues of every kind belonging to the sinking fund of said city, and properly invest in good and solvent interest bearing securities, and use the same in the proper payment of the interest and the retirement of the present bonded indebtedness of said city, including that authorized by this act: *Provided, however,* That in the retirement of said bonded indebtedness, inasmuch as the fifty thousand dollars of bonds hereby authorized to be issued in payment of so much of the lottery school fund is in the nature of an investment for the benefit of the city school, that shall be the last to be paid off; but the interest thereon shall be promptly paid to the use of said school as provided by law.

§ 4 The board of councilmen shall have power to define the duties of the marshal of the city of Frankfort, appoint a receiver or collector of taxes and other dues to said city, and remove said receiver or collector; and when said receiver or collector shall be so appointed and sworn into office before said board, and a record made thereof on its journal, and he shall have given good bond for the faithful discharge of his duties, to be approved by the board of councilmen, he shall have the same powers and duties, and be under the same responsibilities therefor for the collection of taxes and other dues to said city, the advertising, sale, and redemption of property, and conveyance of same when sold to enforce payment of taxes, as are now by law conferred and im-

posed upon the marshal of the city of Frankfort, or may hereafter be conferred upon said marshal or collector.

§ 5. All laws or parts of laws in conflict with this act are hereby repealed.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 26, 1884.

CHAPTER 460.

AN ACT to incorporate the Ewing and Metcalf's Mill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. A company is hereby created for the purpose of building and operating a macadamized road in Fleming and Mason counties, in this State, from a point at or near the town of Ewing, on the Elizaville and Fairview Turnpike Road, in said county of Fleming, to run by or near the residences of Benjamin Given, sr., John E. McCarty, and G. W. Powell, to a point on the Elizaville and Mayslick Turnpike Road, in said county of Mason, near the residence of C. W. Williams.

§ 2. The name and style of said company shall be "The Ewing and Metcalf's Mill Turnpike Road Company;" and by that name it shall sue and be sued, contract and be contracted with, and may hold, acquire, sell, and convey all real and personal property necessary for the purpose of constructing said road and keeping it in operation, and shall have the privileges and franchises incident to such corporations.

§ 3. The capital stock of said company shall be ten thousand dollars, to be increased or decreased at the will of the company, to be divided into shares of fifty dollars each.

§ 4. C. W. Williams, G. W. Powell, James Given, A. M. Powell, and John E. McCarty are hereby appointed commissioners, who, or any two of them, may open a book for subscriptions to the stock of the company, at such time and place as they may determine, of which due notice shall be

given by notices posted at three business houses in the town of Ewing, and the subscribers to the stock shall sign an obligation in substance as follows: We whose names are hereunto subscribed severally promise to pay to "The Ewing and Metcalf's Mill Turnpike Road Company" the sum of fifty dollars for each share of stock set opposite to our names, in such proportions, and at such times as shall be determined by the president and directors of said company.

§ 5. When the sum of two thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of said commissioners, or any two of them, to give notice as directed in the preceding section of a meeting of the stockholders, at such time and place as the notice may designate, for the purpose of electing a president and five directors. One vote shall be allowed for each share of stock; and the said officers of this company shall continue in office one year, and until their successors are elected and qualified. The time and place of the election after the first election shall be fixed by the president and directors, a majority of the directors being competent to transact the business of the corporation, and the president only voting in case of a tie; and no one who does not own stock in said road shall be eligible to the office of president or director in said company.

§ 6. Said corporation shall fix and locate the route for the construction of said pike, prescribe the grades and the depth and width of the metal to be placed thereon, and the mode and manner of constructing the same, and repairing same when needful; may designate the places for toll-houses, acquire land whereon to erect the same, fix the rates of toll, regulate and change same; but such rates shall not exceed the rates fixed by general law; and shall also fix the width of said road, to be not less, however, than thirty feet. After two and one-half miles of said road shall have been completed, they shall have the right to erect a gate and charge proportional toll, and so with each mile completed. They shall have the right to erect two gates upon said road, and to charge toll for the distance traveled; and the gate nearest to Ewing may be located at such point as the

directors may determine, that is, within less than one mile of said town, if they deem it necessary.

§ 7. It shall be lawful for the officers and employes of the company, for the purpose of constructing said road, to enter with their tools and appliances upon lands over and contiguous to which the intended road shall pass, first giving notice to the owners and occupants thereof. The company shall have power to take and receive the right of way over and through the lands where said road may be located; and if in any instance, from any cause, the right of way cannot be procured by agreement with the owner or owners of said land through which the road is to pass, then the company shall apply to the county court of the county in which said land lies for a writ of *ad quod damnum*, to assess the damages which may be sustained by the owner or owners of such lands, and such court shall issue its writ by its clerk, directed to the sheriff of said county, on a day to be named in the writ, to meet upon the lands through which the way is sought to be established, with a jury of twelve discreet house-keepers of said county, not living within two miles of said road; which jury, upon being duly sworn, shall view and assess the damages sustained under the laws of the State by the establishment of the right of way for said road, and upon payment or tender of the damages assessed, it shall be lawful for the company to open and make said road, and do all the work pertaining thereto; and the writ of *ad quod damnum*, with the action had thereon, shall be returned to the office of the court whence it issued, and all proceedings thereon shall be the same as those prescribed by the general law when said writ is issued, so far as is not inconsistent with this charter. Said company may condemn rock quarries for the use of its road, as hereinbefore provided in this section for the condemnation of the right of way.

§ 8. The gate-keepers or other employes appointed and put into the toll-houses, or other houses of said company, shall not thereby become tenants of said company, but shall only be occupants at the option of the president and directors; nor shall they be entitled to any notice to deliver the same, and any lands attached, other than an order from the presi-

dent notifying them, or either of them, of his or her dismissal.

§ 9. The president and directors may appoint, from time to time, such officers as they may need, and may require of them bond and surety for the diligent and faithful performance of the duties required of them, and discharge them whenever it may seem proper; such officers to be required, before entering upon the duties of their office, to take an oath in writing, by them subscribed before some person authorized to administer the same, that they will faithfully discharge the duties of said office, which oath and certificate thereof shall be filed among the records of said company. This act may be amended, altered, or repealed at the will of the Legislature.

§ 10. This act shall take effect from and after its passage.

Approved March 26, 1884.

CHAPTER 461.

AN ACT to incorporate the Covington Inclined Plane and Narrow-gauge and Elevated Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. W. Cleary, Frank P. Helm, John L. Sandford, John E. Hamilton, William M. Ramsey, and D. N. Comingore, their associates, successors, or assigns, be, and are hereby, created a body-politic, with perpetual succession, under the name and style of the Covington Inclined Plane and Narrow-gauge and Elevated Railway Company; and in such name to have full and complete power to contract and be contracted with, to sue and be sued, to plead and interplead, to construct, manage, and operate an inclined plane railway and a narrow-gauge railway, and an elevated railway, and, with full and complete power to buy, purchase, or lease any land or rights of way for the uses and purposes of said railway company, and the right to condemn and take possession of any property, to carry out the management and operation of said railway company; said condemnation shall be conducted as like proceedings are under the general laws of the State of Kentucky.

§ 2. That said inclined plane railway shall be built and operated on the hills lying in the west side of the city of Covington, Kentucky; that said narrow-gauge railway shall be run from the west side of Licking river, below seventeenth street, in Covington, to a point in the city of Ludlow, and with the right to extend said road from the west side of Licking, along the said Licking, to a point north of the Louisville and Nashville railroad bridge, and from there to the town of Milldale, and from that town to the town of Ludlow, and that said elevated railway shall extend from a point on the Ohio river, between Main and Garrard streets, to the towns of Ludlow and Milldale.

§ 3. That said company shall have a common seal, which they can alter or change at pleasure; and that the capital stock of said company shall not exceed the sum of one million dollars, divided into shares of one hundred dollars each.

§ 4. Said company shall have the right at any time to lease their said property, or any part of the same, with also the right and power to buy or lease any street railroad or steam railroad or ferry, or run, manage, and operate their said railways, or any of them, in conjunction with said street or steam railroads or ferry, that may by the directors of the said railways be considered best and advisable.

§ 5. That the said company shall have the full power and authority to operate and run said railways, or any of them, by any motive-power that the directors may deem the safest and best, with full power to use any kind of cars for passengers and freight that may be safe and practicable.

§ 6. That said company shall be managed and controlled by a president, vice-president, secretary, treasurer, and three other persons, all of whom shall constitute the board of directors of said corporation, and who shall be elected annually by the stockholders of said corporation, each share of stock being entitled to one vote at such meeting. That said board shall have power and authority to make such by-laws as they deem best for the entire management of the corporation, with power to alter and amend the same upon notice of not less than ten days, posted in the office of said corpo-

ration. That said board shall have power to appoint or elect such officers as are necessary to conduct the business of the corporation, fixing the salaries and designating the duties, calling meetings of stockholders, and directing, regulating, and conducting the annual meeting ; taking bonds from the officers or employes for the faithful performance of their respective duties ; to appoint an engineer who shall have the power to determine all grades and angles, also the kind of rails the company shall use ; and said directors may purchase such real or personal estate, routes, railways, tracks, and any and all other kind of obligations, material, or stock of any kind, engines, cars, as they may deem requisite and proper ; and may use, sell, or exchange the same at their pleasure. They are also empowered to issue on the property of the company bonds, at such rates of interest, not exceeding six per cent. interest per annum, payable semi-annually, as they may deem necessary, and payable at such times and places as they may determine. That they may borrow money and negotiate loans on the credit of the company ; and may sell the stock of the said corporation, and the bonds, if they issue any, for such price or prices, and for such considerations, as they think best ; and at any time, by a full vote of said directors, mortgage or pledge the whole or any part of said property, franchise, or income for the benefit of said corporation. They shall also have the right to charge reasonable rates of fare for passengers and for freights, keeping posted such rates in the cars used by them ; and that passenger fares will be due and payable when person or persons enter the cars, and unless then paid the company has the right to exclude any and all persons not paying. They, the board, shall designate the duties of its own members and officers as well as the employes, and shall fix all salaries.

§ 7. That the present incorporators, or a majority of them, are empowered to act and to open stock books, issue bonds, or other evidences of indebtedness, and dispose of them to any person or persons they deem best, for such price or prices or property as they wish, and in such amounts and upon such terms as are expedient ; and that

they may commence their said work under this act whenever five thousand dollars in *bona fide* subscriptions is made; and they shall be the first board of directors to act, and shall hold the said offices as such for one year from the date of organization until the annual election, or until their successors are elected.

§ 8. That said corporation, through its board of directors, shall have full and complete power to lay out into parks and resorts any of the grounds by them purchased or leased, with the right to erect on said grounds suitable houses of resort, drives, lakes, and any and all kinds of accommodations for pleasure parties, with the right to charge and receive fees for the use of said grounds and houses, and with power and authority in them vested to appoint such police or officers as may be sufficient to enforce the rules and regulations of said corporation, and the power to arrest and confine any disorderly person or persons, and that full powers are given to such officer or officers that are given to sheriffs or constables.

§ 9. That said corporation shall have the right and power to run their said railways through any streets or alleys or other property belonging to the cities of Covington, Ludlow, West Covington, South Covington, Central Covington, and Milldale, under proper restrictions as may be required by the different councils or trustees of said cities and towns; and that said councils and trustees have the right to grant such rights of way, and use and occupation of its streets, alleys, and property to said corporation as they, the said council or trustees, may consider best and to the interest of said towns and cities.

§ 10. That said directors shall not pass or enact any by-laws that are inconsistent with this charter or with the laws of Kentucky and the United States; and unless organization is effected and work commenced on either said inclined railway or elevated railway or narrow-gauge railway within five years from the passage of this act, then this act will confer no power.

CHAPTER 463.

AN ACT to amend an act, entitled "An act to incorporate the Great Western Lumber, Mining, and Manufacturing Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Great Western Lumber, Mining, and Manufacturing Company," approved April twenty-fourth, one thousand eight hundred and eighty-two, be, and the same is hereby, amended as follows:

By striking out the word "mining" in the title, and in the sixth line of the first section of said act, as printed in the acts of the General Assembly of the Commonwealth of Kentucky, session of one thousand eight hundred and eighty-one.

By striking out the words "mining and" in the fifth line of the second section of said act.

By striking out all between the words "expedient for its business," when they occur in the seventh line of the second section, and before the words "to conduct," in the twelfth line of the same section.

By striking out the words "forges," "furnaces," and the word "refineries" in the sixteenth and seventeenth lines of said section.

By striking out all of said section after the words "manufacture of leather," in the twenty-eighth line of said section, and preceding the words "it may receive in payment" where they occur in the thirty-second line.

By striking out all the remainder of said section after the words "corporeal and incorporeal," where they occur in the forty-second line of said section.

By striking out the words "one million" in the second line of the third section, and inserting in lieu thereof the words "three hundred thousand."

By striking out the words "fifty thousand," where they occur in the fifteenth line, and inserting "thirty thousand" in lieu thereof in said third section.

By inserting after the word "made" in the — line of said section, the words "and property acquired," and by

striking out the word "section" in the last line of the same section, and inserting in lieu thereof the word "act," and by striking out the word "ten" in the same line, and inserting the word "twenty."

By striking out all following after the word "Kentucky" in the second line of the fifth section, and preceding the words "and branch offices" in the third line.

By striking out the words "fifty shares" in the ninth line of the sixth section, and inserting in lieu thereof "ten shares."

By striking out the word "two" in the second line of the seventh section, and inserting the word "five" in lieu thereof.

§ 2. This act shall take effect and be in force from its passage.

Approved March 27, 1884.

CHAPTER 464.

AN ACT requiring certain legal advertising in Kenton county to be inserted in a newspaper of general circulation, with a *bona fide* subscription list, published in Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all notices of sales of real estate or personal property, hereafter made by sheriffs of Kenton county, under executions from the circuit court of said county, and all sales made under a judgment of the Kenton chancery court by a commissioner, and all notices of the sittings of the master commissioners for the settlement of the estates of deceased persons, and the proceedings under the act of one thousand eight hundred and fifty-six to distribute the estate of insolvent debtors, are hereby required to be inserted in a newspaper of general circulation, with a *bona fide* subscription list, published in said Kenton county. All notices of sales of real estate to be inserted three (3) times previous to the day of sale, and all notices of the sittings of the master commissioner shall be inserted as soon as said commissioner fixes the day of his sittings, and continue up to the time the same takes place, and as often thereafter as said commissioner may deem proper.

§ 2. The cost of inserting said advertisements shall be collected as part of the costs, in the same manner as other costs are now collected; and the charges for said advertising shall not exceed the usual rates for similar advertising.

§ 3. This act shall not apply to the sale of any personal property which has an appraised value of less than two hundred and fifty dollars.

§ 4. This act shall be in force from and after its passage.

Approved March 27, 1884.

CHAPTER 466.

AN ACT to incorporate the Garrard Female College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John K. West, John V. Cook, R. H. Tomlinson, John H. Woodcock, William H. Kimain, J. P. Sandifer, H. C. Herring, Wm. Herndon, and B. M. Burdette, their successors and associates, be, and they are hereby, constituted a body-corporate, under the name and style of "The Garrard Female College;" and by that name they shall have power to contract and be contracted with, to have perpetual succession, to sue and be sued, to have a common seal, to acquire, hold, and transfer property, to establish by-laws and make all needful rules and regulations, and to possess, enjoy, and exercise all the powers and privileges necessary to accomplish the object of said incorporation.

§ 2. The principal place of business shall be Lancaster, Garrard county, Kentucky, and the business of the incorporation shall be to establish and maintain a college for the education of females.

§ 3. The amount of capital stock is fixed at one hundred thousand dollars, divided into shares of twenty-five dollars each, which shall be paid in at such times and in such installments and on such conditions as the board of trustees hereinafter provided for may prescribe. Said board of trustees shall be known as the "Board of Trustees of Garrard Female College," and may increase the capital stock at any time or times to any sum not exceeding two hundred and

fifty thousand dollars, by an order interred upon their record-book.

§ 4. The affairs of said incorporation shall be conducted by nine trustees, who shall be stockholders in same, a majority of whom shall constitute a quorum to transact all business, except as provided otherwise in section twelve of this act. They shall hold their offices for one year from each annual election, and until their successors are elected and qualified. Elections for such trustees shall be held on the second Wednesday of June in each year. At all such elections each stockholder shall be entitled to one vote for each share of stock he may own in his own right. The board of trustees shall fill any vacancy that may occur in said board, or in any office of said corporation. The said trustees and all other officers shall take an oath for the faithful performance of their duties as such.

§ 5. The board of trustees shall fix a place, and may at any time change the time or place of holding the annual elections. They shall elect one of their number president of the board of trustees; they shall annually elect a secretary and a treasurer of said board of trustees, who shall be different persons, and who shall, before entering upon the duties of their offices, execute, with good and sufficient surety, bonds payable to and to be approved by the board of trustees, for the faithful performance of their duties respectively.

§ 6. The corporation shall not at any time become indebted in any sum or sums exceeding in the aggregate six thousand dollars, and the private property of the members and stockholders is exempt from corporate debts.

§ 7. Shares of stock shall be transferable from one person to another by the surrender of the certificates thereof to the board of trustees, who shall cause a new certificate of each such share to be issued to the transferee; and all such transfers shall be recorded in the stock-book, which shall be kept by the board of trustees.

§ 8. The board of trustees may receive for the benefit of said "The Garrard Female College" presents, donations, and endowment funds; and property of any description,

which will aid or further the purposes of said corporation.

§ 9. Nothing denominational or sectarian, nor the doctrines of any church or denomination of Christians shall at any time be taught in said Garrard Female College; but nothing herein is to forbid or discourage religious exercises or the study of sacred scripture in said college in connection with other studies.

§ 10. The board of trustees shall provide for conferring, or may themselves confer, all the honors and degrees conferred upon deserving students by any of the female colleges in this State.

§ 11. The board of trustees shall be so chosen, at each annual election, that the requirements and objects expressed in section nine hereof shall be accomplished. In electing such trustees, church members and men with families are to be preferred, and not more than three of such trustees shall at any time belong to, or hold to the tenets of, any one church or denomination of Christians.

§ 12. The board of trustees may create and fill, by appointment, any offices not herein named that they may deem necessary to carry out the objects of this corporation, and may fix the compensation thereof; but no officer shall receive any compensation, unless the same be fixed by said board of trustees. The terms of all officers appointed or elected by the board of trustees shall begin and end with the term of the trustees so appointing or electing them, unless sooner removed by said board of trustees.

§ 13. The board of trustees of the Garrard Female College may, by an order entered upon its record-book, accept this act as its charter; and when so done, it shall become their act of incorporation, and stand in the place and stead of the articles of incorporation of "The Garrard Female College," adopted under the provisions of the General Statutes of date June twenty, one thousand eight hundred and eighty-three, and of record in the office of the clerk of the Garrard county court.

§ 14. This act shall take effect and be in force from and after its passage.

Approved March 26, 1884.

CHAPTER 467.

AN ACT to authorize Wm. Smiley to erect and keep a boom in and across Russell's Fork of Big Sandy river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Smiley, and his assigns, heirs, and survivors are authorized to erect and keep a boom in and across Russell's Fork of Big Sandy river, at Boyan's Rock, in Pike county, for the purpose of catching and securing such loose saw-logs as may come against it; and he is authorized to charge the owners of the logs ten cents per log for catching and holding the same, and shall have a lien on said logs for the charges; and when it becomes necessary to open said boom, if any of the owners of the logs should not be present and able to take care of their logs, then the owners of the boom are authorized to raft said loose logs, and charge a reasonable compensation therefor, and have a like lien on the logs for the rafting as is given herein for catching. That rafts may have the right to pass said boom without unnecessary detention.

§ 2. This act shall take effect from and after its passage.

Approved March 26, 1884.

CHAPTER 470.

AN ACT to close an alley twenty feet wide, in the city of Louisville, running north and south, opening on Jacob street, and between Brook and Floyd streets.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the property-holders on the alley between Brook and Floyd streets, running from Jacob street north to an alley twenty feet wide, running east and west, to close said alley; and whenever any property-holders owning the property abutting on said alley, or any part thereof, desire to close the same, they shall, by writing, evidence such consent, and the same being acknowledged as a deed, and recorded in the Jefferson county clerk's office, shall close the said alley, or the part thereof

described, or the property abutting on which is owned on both sides by the subscribers to said writing to be closed, and the same so closed shall belong to the property-holders, in proportion to the land owned by them which forms said alley.

§ 2. This act shall take effect from and after its passage.

Approved March 26, 1884.

CHAPTER 472.

AN ACT to amend section four, article five, of an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Rochester, in Butler county," approved February seventh, one thousand eight hundred and eighty-four.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Rochester, Butler county," approved February seventh, one thousand eight hundred and eighty-four, be amended by striking out of section four of article five these words, viz: "And this privilege shall only be granted when a majority of all the legal voters in said town have voted in favor of granting such license, then the board of trustees shall issue them."

§ 2. This act shall be in force from and after its passage.

Approved March 26, 1884.

CHAPTER 473.

AN ACT to amend an act to regulate the working and laying out public roads in Clinton county, approved March twenty-four, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act to regulate the working and laying out public roads in Clinton county, approved March twenty-four, one thousand eight hundred and eighty-two, be, and the same is, amended as follows, viz: That section five be amended by inserting the word "male" after the words

"able-bodied;" and by adding to said section the following: At a price agreed upon, not to exceed two dollars per day, for which the hand shall have credit in work. The work to be rated at one dollar per day.

§ 2. That section six be amended by striking out all that part of the section after "treasurer shall," in the seventh line, and inserting in lieu thereof the following: Proceed to collect the unpaid tax, together with the fifteen per cent. added for the default, which per cent. shall be his compensation for collecting. He shall have all the power and be under the same obligations as provided by law for collecting the revenue, and he shall make an annual settlement of his accounts with the county court.

§ 3. That section nine be amended by striking out "and surveyors" after the word "commissioners," in the first line, and by adding to said section the following, viz: A surveyor may authorize a hand to notify the hands when they are required to work, and give the hand credit for the time taken. The surveyors shall be paid one dollar per day for superintending work by those who pay their taxes in work, if performed at another time than the time fixed for the hands on the road to work.

§ 4. That section ten be amended by adding thereto the following, viz: No commissioner or surveyor shall employ a wagon and team, plow and team, or purchase any material, unless there is funds in the hands of the treasurer to pay for the same; but the county judge may purchase tools and material and authorize surveyors to employ wagons and teams, or teams and plows, when necessary, and there is no road fund, not to exceed fifty dollars annually, to be paid out of the county levy.

§ 5. That section eleven be amended by adding thereto the following, viz: The commissioners shall take the receipts of the surveyors in their respective districts for all the tools now on hands, and all that may be delivered to them in the future; and each surveyor shall turn over to his successor all tools and material in his possession, and take his receipt therefor, and file said receipt with the commissioners.

§ 6. The Clinton county court (a majority of the justices concurring) may order the road-tax to be collected in money instead of permitting it to be paid in work. If said court so orders, the sheriff (or collector) in Clinton county shall collect the same at the same time he collects the county levy, and with the same authority, and be responsible for said taxes on his county levy bond. Whenever said court orders said taxes collected in money, the same shall continue in force from year to year till rescinded by said court.

§ 7. That this act take effect from and after its passage.

Approved March 26, 1884.

CHAPTER 474.

AN ACT regulating defenses in actions of trespass in Oldham county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in actions of trespass to inclosures the common law remedy shall be restored and re-enacted, and that it shall not be a valid defense in such actions for the defendant to plead that the inclosure or premises alleged to have been entered by the stock of another was not inclosed by a lawful fence.

§ 2. That the word stock used in the first section of this act shall apply to all domestic animals.

§ 3. This act shall not repeal articles two and three of chapter fifty-five of the General Statutes in regard to partition and division fences, and shall only apply to Oldham county.

§ 4. This act shall take effect and be in force from and after the first day of April, one thousand eight hundred and eighty-four.

Approved March 26, 1884.

CHAPTER 475.

AN ACT to incorporate the Farmer's Deposit Bank, of Cynthiana.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established in Cynthiana, Harrison county, Kentucky, a deposit bank, which shall be a body-politic and corporate, by the name and style of the Farmers' Deposit Bank, of Cynthiana; and shall have power and authority by that name to contract and be contracted with, to sue and be sued, in all courts and places as natural persons; and may have and use a common seal, and alter and change the same at pleasure; and may loan money at any rate of interest not exceeding the legal rate, discount promissory notes, buy and sell stocks and bonds, buy and sell exchange, and deal in other securities, and may acquire, hold and deal in such real and personal goods and chattels as may be necessary to the transaction of its business, or which may be pledged to it as security for any judgment, debt, or decree; and negotiable promissory notes and inland bills of exchange which may be discounted or purchased by it, shall be, and are hereby, put upon the footing of foreign bills of exchange.

§ 2. That the capital stock of said bank shall not be less than one hundred thousand dollars, nor more than three hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be paid in such calls as may be made by the board of directors hereinafter named, or their successors.

§ 3. That the property, business, and affairs of said bank shall be under the management, government, and control of a board of seven directors, who shall be stockholders therein, and one of whom shall be elected president; and that Samuel J. Ashbrook, N. B. Wilson, J. W. Peck, M. D. Martin, W. L. Northcutt, Chas. L. Talbott, W. A. Webber, directors of the Farmers' National Bank, of Cynthiana, or their successors in office, are hereby constituted a board of directors, to serve as such until others are duly elected and qualified as hereafter provided; and should any of the

persons above named fail or refuse to qualify as directors, his or their place or places may be declared vacant, and the vacancy may be filled by appointment by the remaining members of the board; and all vacancies occurring in the board by death or resignation may be filled by a vote of the remaining directors. The board of directors of said bank, as herein appointed, are hereby authorized and empowered to receive subscriptions to the capital stock of said bank, and to organize the same as herein provided, and to manage and conduct same, and to enact and put in force such rules, regulations, and by-laws as they may deem expedient, not inconsistent with the laws of this Commonwealth, and may alter, amend, or repeal the same at will, and specify the number of directors necessary to constitute a quorum for the transaction of business; may regulate the rate of interest, not exceeding the legal rate, and collect the same in advance; declare and pay dividends, appoint officers, agents, and servants, as they may deem necessary to conduct the business of the bank, and may pay them such sums for their services as may be agreed on; and take from them severally such bonds as to secure the faithful performance of their duties as they shall think proper and reasonable; and it shall be the duty of the directors to provide for an election on the first Thursday in January ensuing the organization of the company, and on the first Thursday in January of each year thereafter, to be held at the office of said bank; and said election shall be held and conducted by three persons appointed by the board of directors; and the seven stockholders receiving the highest number of votes shall be declared elected for the ensuing year, or until their successors are duly elected and qualified; and at this, and all other elections held by the stockholders, each stockholder shall be entitled to cast one vote for every share of stock he or she may own in said bank, and may cast the same in person or by proxy.

§ 4. That when as many as one thousand shares have been subscribed and paid in to the directors above mentioned, or their successors, and when they shall have organized as herein provided, and an affidavit to that effect has

been made by the president of the board before the clerk of Harrison county, or any notary of said county, said bank may proceed to transact a general banking and financial business.

§ 5. The stock of said bank shall be deemed personal property, and shall be transferable on the books of said bank, according to such rules as the board of directors shall, from time to time, establish.

§ 6. The indebtedness of said corporation over and above that incurred for deposits shall at no time exceed its cash capital.

§ 7. No certificate of stock shall be issued by said bank, unless the same shall have been subscribed for in the book provided for that purpose, and actually paid in.

§ 8. This act shall take effect from its passage, and remain in force for thirty years from the date of the organization of the bank, provided it be organized within two years.

§ 9. The General Assembly shall have the right to examine into the affairs of said corporation by any committee they may appoint for that purpose, and hereby reserves the right to repeal, alter, or amend this charter at pleasure.

§ 10. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 26, 1884.

CHAPTER 476.

AN ACT creating a lien on stock committing trespass in Trimble and Oldham counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That if any horses, mules, cattle, hogs, or sheep, shall be found trespassing upon the lands of another in Trimble and Oldham counties, the owner, tenant, lessee, or person having the possession of any land or lands upon which such stock may be found trespassing or doing damages, may seize and take possession of such animals, and impound and safely and securely hold them, in the meantime

furnishing them with sufficient water and pasturage or feed until the person or persons liable for the damages shall pay the same and a reasonable compensation for watering, pasturing, or feeding them: *Provided, however,* That it shall be the duty of the person or persons impounding or detaining such cattle and other animals as aforesaid to give to the owner or owners, bailee or bailees thereof, notice of the detention in a reasonable time after impounding same: *And provided further,* That in case the owner or owners, bailee or bailees of such animals, shall, after receiving notice of their detention, fail or refuse to pay the damages done by such animals, and a reasonable compensation for impounding, feeding, and taking care of said stock, the person damaged thereby may, in any court having competent jurisdiction, recover of the person liable for such damages all the damages done by said stock, and a reasonable compensation for impounding, feeding, and taking care thereof, and shall have a lien on said stock for the same, together with the necessary costs of enforcing the same, which lien may be enforced by appropriate proceedings in said court.

§ 2. That in case any person or persons shall take and impound any such stock as mentioned in the first section of this act found trespassing or doing damage as aforesaid, and shall fail, neglect, or refuse to furnish them or any of them with sufficient water and pasturage or feed, or shall in any manner injure or damage any of them, he, she, or they shall be liable to the owner or bailee thereof for any damages done to or suffered by said stock, to be recovered in any court having competent jurisdiction thereof. All laws or parts of laws in conflict with this act are hereby repealed: *Provided,* That in all cases where the owner or owners, bailee or bailees of such stock, are not known to the taker-up or impounder, then the stock shall be regarded and treated as strays, and be taken up and posted in the mode and manner required by chapter one hundred and three of the General Statutes.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 26, 1884.

CHAPTER 477.

AN ACT to amend an act, entitled "An act to charter the Cabin Creek, Sand Hill, and Manchester Turnpike Road Company," of Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to charter the Cabin Creek, Sand Hill, and Manchester Turnpike Road Company," approved March fourteenth, one thousand eight hundred and seventy, chapter six hundred and eighty-five, be amended so as to authorized the president and board of directors to build a branch road, commencing at Fearisville, and running up the east fork of Cabin creek, passing Salem Church, and intersecting the Concord and Tollesboro Turnpike Road.

§ 2. The county court of Lewis county is hereby authorized to issue bonds of one thousand dollars per mile for each mile of said branch road put under contract.

§ 3. This act shall be in force from and after its passage.

Approved March 26, 1884.

CHAPTER 478.

AN ACT to amend an act, entitled "An act to incorporate the Poor Ridge and Sugar Creek Turnpike Company, in Garrard county," approved May third, one thousand eight hundred and eighty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three of an act, entitled "An act to incorporate the Poor Ridge and Sugar Creek Turnpike Road Company, in Garrard county," approved May third, one thousand eight hundred and eighty, be amended by adding thereto the following: And the said county court, or a majority of the justices thereof, may, and they are hereby, authorized and empowered to assess the amount of the stock which they so subscribe upon all the real and personal property subject to the payment of State revenue within the limits of said county.

§ 2. This act shall take effect from its passage.

Approved March 26, 1884.

CHAPTER 479.

AN ACT to amend an act, entitled "An act to incorporate the Shelbyville and Bardstown Turnpike Company," approved February eighteenth, one thousand eight hundred and sixty-four.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Shelbyville and Bardstown Turnpike Company," approved February eighteenth, one thousand eight hundred and sixty-four, be amended as follows, viz: The grade of said turnpike road as heretofore, and as now existing, is hereby declared to be legal.

§ 2. This act shall be in force from its passage.

Approved March 26, 1884.

CHAPTER 480.

AN ACT to amend an act, entitled "An act to provide for the erection of a new court-house, and the necessary offices for county officers, in Fayette county," approved April one, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever a vacancy has occurred, or may hereafter occur, by death, resignation, or otherwise, in the special commission known as the court-house building committee, the judge of the Fayette county court, and the judge of the Fayette circuit court, are hereby authorized and empowered to fill such vacancy, which they shall do according to the provisions of the said act to which this is an amendment.

§ 2. This act shall take effect from its passage.

Approved March 26, 1884.

CHAPTER 481.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors within four miles of the court-house in the town of Scottsville, in Allen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sale of spirituous, vinous, or malt liquors be, and the same is hereby, prohibited within four miles of the court-house in the town of Scottsville, in Allen county.

§ 2. That any person or persons violating this act shall be guilty of an illegal sale of ardent spirits, and may be dealt with according to the law that now governs like offenses.

§ 3. This act to be in force from and after its passage.

Approved March 26, 1884.

CHAPTER 482.

AN ACT for the benefit of the Athens and Walnut Hill Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judge and a majority of the justices of the peace for Fayette county, sitting as a court, be, and they are hereby, authorized and empowered to subscribe, in the name of said county, for stock in the Athens and Walnut Hill Turnpike Company, in any sum not exceeding twelve hundred and fifty dollars, in addition to the stock of said company now held by said county. The subscription for said stock shall be paid out of the county levy of said county.

§ 2. This act shall be in force from its passage.

Approved March 26, 1884.

CHAPTER 483.

AN ACT for the benefit of James G. McCue, of Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James G. McCue, of Bath county, be relieved

of the disability of infancy, and he is hereby authorized to make contracts, sue and be sued, and he shall be liable on his said contracts, and shall have all the rights of an adult citizen, except the right to vote and to be voted for.

§ 2. This act shall take effect from and after its passage.

Approved March 26, 1884.

CHAPTER 484.

AN ACT to repeal an act, entitled "An act to prohibit the selling, lending, or giving spirituous, vinous, or malt liquors in Port Royal precinct, in Henry county," approved April fifteenth, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to prohibit the selling, lending, or giving spirituous, vinous, or malt liquors in Port Royal precinct, in Henry county," approved April fifteenth, one thousand eight hundred and eighty-two, shall be repealed from and after the August election, to be held in Henry county on the first Monday in August, one thousand eight hundred and eighty-four, if a majority of the legal voters of Port Royal precinct voting upon this question herein submitted shall vote in favor of the repeal of said act.

§ 2. It shall be the duty of the officers of the election to be held as aforesaid in Port Royal precinct, to open a poll and to ask each person voting whether he votes for or against the repeal of an act prohibiting the selling, lending, or giving spirituous, vinous, or malt liquors in Port Royal precinct, and to record their names and votes as given; and if a majority of those voting upon this question shall vote in favor of the repeal of said act, then this act shall take effect and be in force from and after said election; said act shall be repealed; otherwise it shall remain in full force and effect.

Approved March 28, 1884.

CHAPTER 486.

AN ACT to incorporate the Clinton Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby established a bank in the city of Clinton, in Hickman county, Kentucky, with a capital stock of one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of the Clinton Bank, and may so continue for fifty years from its organization; but the board of directors of said bank are authorized and empowered to wind up its affairs whenever the owners of two-thirds of the stock determine that the interest of the company requires its discontinuance; and to effect this, the board shall have all powers necessary to wind up and liquidate the affairs of said bank upon equitable principles.

§ 2. Said corporation shall have all the privileges of a natural person in contracting and being contracted with, in suing and being sued, in all places and courts whatever; and may have and use a common seal, and change the same at pleasure.

§ 3. The said bank shall be under the control of not less than five nor more than nine directors, each of whom shall be a stockholder, and a majority of whom at all times shall be residents of Hickman county; and after the first election they shall be chosen on the second Tuesday in January of each year, or if not on that day, from any cause, then as soon thereafter as convenient, and shall hold their offices until their successors are elected and qualified. They shall appoint one of their number president, and may, if they think best and necessary, at any time appoint also from their number a vice-president, who shall hold their positions at the pleasure of the board of directors. The board shall hold regular meetings at such time as they may fix upon, and such called meetings as they may deem necessary. In case of death, resignation, or removal of any

director or officer, the vacancy shall be filled by the board of directors. The board shall have power to receive subscriptions for so many of the shares of the capital stock remaining unsold as they may at any time decide to sell; shall declare dividends, appoint such officers, agents, or servants as they may think necessary to conduct the business of the bank, and pay them such wages or salaries for their services, and take from them such bonds to secure the faithful performance of their duties, as they may think proper; shall prescribe such rules as they may think best for the transfer of the stock on the books of the bank by the stockholders or by an attorney. The stock shall be personal property.

§ 4. W. I. Rudd, John T. Moore, W. W. Richmond, J. M. Ringo, Geo. W. Reeves, C. M. Vaughn, John R. Kemp, and R. H. Johnson are hereby appointed commissioners, any three of whom may act, and may open books of subscription to the capital stock of the corporation, and when shares to the amount of fifteen thousand dollars shall have been subscribed, it shall be the duty of said commissioners to give notice in one or more newspapers, and appoint a day for the election of a board of directors, who shall hold their offices until their successors are elected and qualified. The payment for the shares subscribed shall be made in such installments or at such time as the board of directors may order, and when ten thousand dollars shall have been paid in, the bank may begin business.

§ 5. The bank may receive deposits of gold, silver, bullion, currency, or anything lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, not to exceed the rate fixed by law, as may be agreed upon with the depositors by special or general contract. It may borrow or lend money, buy or sell checks, bills of exchange, promissory notes, or current money, bonds, stocks, mortgages, and other evidences of debt, and do a general banking business; may take personal or other securities for the payment of obligations, and dispose of the latter according to the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky,"

approved March sixteenth, one thousand eight hundred and seventy-one, and such disposition shall pass a valid title to same; may receive deposits from minors and married women, and their checks, receipts, or acquittances shall be valid. All promissory notes and bills made negotiable and payable at the banking-house of said corporation, or at any other banking-house, may be discounted by it, and they are hereby placed upon the footing of foreign bills of exchange, and like remedy as upon said bills may be had thereon, jointly and severally, against the drawers, acceptors, and indorsers thereof.

§ 6. The bank may acquire, hold, and use all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as surety or in satisfaction of any debt, judgment, or decree, and may sell and convey the same at pleasure. The board of directors may make all needful by laws for the government of the bank not inconsistent with law.

§ 7. It shall be the duty of the president or cashier of the bank to cause to be paid into the treasury of this Commonwealth, during the first week in each year, fifty cents on each one hundred dollars' worth of stock subscribed, which sum shall be in lieu of all other taxes or bonus.

§ 8. The private property of stockholders shall not be liable for the debts of the corporation; and the indebtedness of the bank, other than for general deposits, shall at no time exceed the amount of its paid-up capital.

§ 9. Before entering upon their duties, the president, directors, and other officers of the bank shall take an oath before some justice of the peace, notary public, or police judge to faithfully and honestly discharge all the duties incumbent upon them under this charter, and that they will not sanction or permit any violation of it; and should any occur, will at once report the same to the Attorney General of this Commonwealth.

§ 10. Nothing in this charter shall be construed to allow the bank to issue any note or bill to pass or circulate as money.

§ 11. The General Assembly, at all times, shall have the

right to examine the affairs of the bank by a committee appointed for that purpose; and reserves the right to alter, amend, or repeal this charter at pleasure.

§ 12. This act shall take effect and be in force from and after its passage.

Approved March 28, 1884.

CHAPTER 487.

AN ACT to amend section sixteen of chapter one thousand two hundred and sixty-seven of the Acts of one thousand eight hundred and eighty-one, entitled "An act to establish a board of commissioners for Greenup county, and to define their duties and the duties of other county officers whose duties are connected with those of said commissioners."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section sixteen of chapter one thousand two hundred and sixty-seven of the acts of Assembly of one thousand eight hundred and eighty-one, entitled "An act to establish a board of commissioners for Greenup county, and to define their duties and the duties of other county officers whose duties are connected with those of said commissioners," approved April the twenty-second, one thousand eight hundred and eighty-two, be amended by striking out of the last line of said section "fifty thousand" and inserting in lieu thereof "sixty thousand."

§ 2. This act shall take effect from and after its passage.

Approved March 28, 1884.

CHAPTER 488.

AN ACT to amend and reduce into one all the acts in relation to the corporation of the town of Campton, in Wolfe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all acts and parts of acts incorporating the town of Campton, or establish a police court therein, be, and they are hereby, repealed, and the said town is hereby reincorporated: *Provided*, That this act shall in nowise affect the property or the rights of individuals or of said town, or the

liabilities of said town as a corporation, but all such rights and liabilities shall remain as if this act had not passed.

§ 2. The boundary of said town shall be one mile square, and bounded as follows, viz: Beginning at a stake one-half mile east of the court-house in said town; thence south half mile; thence west one mile; thence north one mile; thence east one mile; thence south to the beginning.

§ 3. The trustees now in office shall remain in office, and may exercise all the powers granted to the trustees of said town by this act, and shall be subject to all the liabilities and discharge all the duties imposed by this act in the same manner as if they had been elected under it, until their successors are elected and qualified.

§ 4. The fiscal, prudential, and municipal concerns of said town to be vested in one principal office, to be styled the Chairman of the Board of Trustees of Campton, and six trustees, all of whom shall be elected annually on the first Saturday in May, by the qualified voters of said town, who shall have resided therein sixty days next before said election; the chairman and the trustees of said town shall hold their office for one year, and until their successors are elected and qualified; they shall, before they proceed to act, take the oath prescribed by the Constitution and laws of this State, which may be administered by any justice of the peace, presiding judge of county court, police judge, or county or circuit court clerk of Wolfe county; the officer administering the oath shall certify the same to the board of trustees, and such certificate shall be spread upon the records of the board; in case a vacancy occurs in the board of trustees, they may fill such vacancy by appointment; no person shall be a trustee or chairman of the board who does not reside inside of the incorporate limits of said town, or who has not resided therein for two months, or who is a vendor of spirituous liquors by license; and if any trustee becomes a vendor of spirituous liquors by license or otherwise, he shall vacate his office.

§ 5. The chairman of the board and trustees of said town, and their successors, shall be a body-politic and corporate, and shall be known by the name and style of the Board of

Trustees of Campton; and by that name may sue and be sued, contract and be contracted with; they may take and hold real estate or personal property by purchase, devise, bequest, or donation; for the use and benefit of said town, to the amount of twenty-five thousand dollars; and they may lease or sell and convey any property, real or personal, now owned by them: *Provided, however,* They shall not lease or sell any such property, except by a vote of a majority of the board of trustees; and the names of those voting for the lease or sale of such property shall be entered upon the records of said board of trustees.

§ 6. The board of trustees may fix by their by-laws, the time and place of regular meeting, and the mode of special meetings; the chairman and three trustees shall constitute a quorum to transact business; but a less number may, by an order entered of record, compel the attendance of a quorum at any regular meeting; and in the absence of the chairman, and there are four trustees present, they may elect one of their body temporary chairman for the occasion; the officer presiding shall sign the minutes of the preceding meeting, when approved by the board, and shall put all questions properly before said board, and preserve order, and shall not be entitled to vote on any proposition except in case of a tie vote. The board of trustees shall have power to provide by-laws for the punishing by fine any one guilty of disorderly conduct in their presence while sitting at their regular or special meetings.

§ 7. That the title of the streets, alleys, and public grounds in said town shall be vested in the board of trustees of said town, and they may maintain any appropriate action to prevent any damage, obstructions, or injury to said streets, alleys, or other public grounds, shade trees, or ornamental trees; and may compel the removal of obstructions in any of the streets or alleys, or other public grounds, or to recover damage for any injury hereafter done to any of said streets, alleys, or public grounds, shade or ornamental trees. Said board shall have power to build cisterns, dig wells, and to regulate the storage of gunpowder, or other combustible material or materials of an unhealthy

character ; and they may prohibit the sale of, and the firing of fire crackers, roman-candles, sky-rockets, or the firing of guns and pistols within the limits of the town unnecessarily.

§ 8 The said trustees may require chimney-flues or stove-pipes which may endanger the safety of property to be repaired, so as to make them safe ; and may provide by penalties for compelling obedience to their orders. They may require owners or occupiers of property fronting on the streets or alleys to keep the streets and alleys in front of their property clean ; and may prevent the exhibition of stud-horses or jacks on the streets of said town, or the exhibition of any obscene or immoral show or pictures.

§ 9. Said board of trustees shall have power to open new streets or alleys in said town ; and may extend, straighten, or widen any of the present streets or alleys in said town ; and in case they cannot acquire by agreement with the owners of the ground required for such new street or alley, or for widening or straightening old ones, they may proceed under a writ of *ad quod damnum* as prescribed by the General Statutes in the establishing of county roads.

§ 10. The board of trustees of said town shall have power to cause any of the streets or alleys of said town to be graded and paved or graveled, or otherwise improved. They shall have power to order, at the cost of owners of property fronting the streets, the sidewalks to be paved or graveled: *Provided, however,* That the necessary grading shall be done at the general cost of the town: *Provided further,* That said owners of the property in said town fronting on the streets shall have reasonable time, after notice, in which to pave, gravel, curb, or otherwise repair the sidewalks in front of their property ; but if he, she, or they shall fail to make the required improvements in a reasonable time, the said trustees may cause it to be done, and assess the cost thereof against such owner, and enforce the collection thereof as other taxes are collected

§ 11. That the board of trustees shall have the exclusive right to license, and to provide by ordinance for licensing and taxing and regulating the sale of spirituous, vinous, or

malt liquors, or to license saloons, coffee-houses, billiard saloons, bowling-alleys, auctioneers, peddlers, taverns, or vendors of spirituous, vinous, or malt liquors in said town; and shall have the right to tax any show or exhibition exhibiting in said town, or within half mile thereof; that the tax on each vendor of spirituous, vinous, or malt liquors shall not exceed three hundred dollars, nor less than fifty dollars per year, nor shall such license be granted until the applicant has executed bond, with good security, conditioned as provided by the present laws of this State in such cases, and paid the tax required, and bond approved by the board of trustees: *Provided, however,* That nothing in this act shall be construed to dispense with the State tax on any person or occupation taxed by virtue of State license granted him or them, be entitled to sell any article, or follow any occupation in said town on which there is a tax, or for which the trustees of said town require a license, without first having paid the required tax to the trustees of said town, and obtained a license from said board of trustees.

§ 12. That the board of trustees of said town may, by general or special ordinance, require all vendors of spirituous, vinous, or malt liquors in said town to close their bar-rooms and keep them closed, and not to sell or give any such liquors to any one on the Sabbath day; and may require bar-rooms to be closed and prevent the sale of liquors on any other public day as they may see proper; and may require all bar-rooms to be closed at a specified hour at night, not earlier than ten o'clock.

§ 13. Any person licensed by the board of trustees of said town who, if licensed by the county court, would be required to give bond, and take an oath, shall execute a similar bond, with security to be approved by said trustees, on which such person and his securities shall be liable, and in the manner, and to the same extent, as if executed in the county court, and shall take the same oath.

§ 14. That if any vendor of spirituous liquors licensed by said trustees shall permit disorderly or scandalous behavior in his house, or on his premises, or shall permit

unlawful gaming, or shall fail to close his bar-room in obedience to ordinances or by-laws which may be passed by said trustees under the provisions of this act, or if any vendor of spirituous liquors shall permit any one to drink to intoxication in his house, they, or any of them, shall, on conviction before the police court of said town, be fined for the first offense not less than five nor more than twenty-five dollars, in the discretion of the court, and the license of such person shall be suspended until the fine and costs are paid; and on a second conviction for the same or similar offense, the fine may be not exceeding fifty dollars, in the discretion of the court, and his license shall be, by an order of the police judge, declared forfeited; and he shall not again be licensed to carry on the same business in said town for one year; and if the fine is not forthwith paid or replevied, he shall be confined in the county jail of Wolfe county one day for each dollar of the fines and costs, and to be put to hard labor on the streets and alleys or other public works of the town eight hours of each day of said confinement.

§ 15. The board of trustees of said town shall have power by suitable ordinances or by-laws, with penalties adequate for the purpose, not, however, to exceed fifty dollars fine or thirty days imprisonment, or both fine and imprisonment, in the discretion of the court, to suppress tippling-houses, gambling-houses, and to punish any one guilty of rioting, disturbing the public peace, disorderly or indecent conduct or language, disturbing religious worship, Sunday schools, singing or other schools, public speaking or lectures, or any lawful public assembly of people, injury to streets, alleys, or public grounds, shade or ornamental trees, cisterns, wells, pumps, church-houses, school-houses, or other public buildings or property belonging to said town or county in said town, and to pass all such by-laws or ordinances as shall be necessary or proper to carry out any power given by this act, or for the suppression and punishment of all such disorders and irregularities and violations as shall be prejudicial to the good order and quiet of said town. The by-laws and ordinances now in force in said town shall remain until

changed by the trustees. No by-law hereafter passed shall go into effect until ten days after the same has been posted at the court-house door.

§ 16. The board of trustees may levy and collect annually a tax not exceeding forty cents on each one hundred dollars' worth of property in said town taxable under the revenue laws of the State; they may also levy a poll-tax of not more than two dollars and fifty cents in any one year on all the male inhabitants of said town over twenty-one years of age, and a special tax on all dogs over one to the family of not more than two dollars in any one year.

§ 17. The board of trustees shall publish annually, at the expiration of the term of each board, an account of all the money received by them, and all the payments made out of treasury of said town during the year, and the amount of the debts of the town and amounts due the town, which statement shall be verified by the chairman of the board of trustees.

§ 18. Each board of trustees shall, at their first meeting, appoint a treasurer, and take bond from him, with approved security, conditioned for the faithful disbursement of all moneys received by him as ordered by the board, and that he will settle his accounts and pay over to his successor in office any balance in his hands at the expiration of his term; and the trustees may require him at any time to renew his bond, and on his failure to do so in five days may remove him; the marshal or other collecting officers collecting fines, money due for license or assessments of taxes, or any money recovered in the name of the trustees, or for their use, shall pay the same over to the treasurer within ten days after collecting the same, and take the treasurer's receipt for the same, and on his failure to do so he shall be responsible on his bond for the amount so collected, and twenty per cent. thereon; the treasurer shall pay out no money except on the order of the board of trustees, certified by the clerk, and indorsed by the chairman of the board.

§ 19. There shall be an election held on the first Saturday in May, one thousand eight hundred and eighty-four, and in

each two years after the passage of this act, for the election of a police judge and town marshal, who shall hold their offices for two years, and until their successors are elected and qualified; no person shall be eligible to the office of police judge or marshal who is not twenty-one years of age, and who has not been a resident of said town two months; no vendor of spirituous liquors at retail by license, keeper of a billiard saloon or bowling alley, shall be police judge or marshal; and any person holding the office of police judge or marshal who shall become a vendor of spirituous liquors by license or keeper or owner of a billiard saloon or bowling alley, shall, *ipso facto*, vacate their offices. The police judge and marshal shall hold in office until the first Monday in June, one thousand eight hundred and eighty-four, at which time the police judge and marshal elected under this act enter into office; and if the office of police judge or marshal becomes vacant at any time, the board of trustees shall appoint a police judge or marshal until the next regular election for trustees of said town, at which election a police judge or marshal shall be elected, who shall hold his office until the next regular election for police judge or marshal of said town.

§ 20. The police judge of said town, or, in his absence, the chairman of the board of trustees, shall have exclusive jurisdiction of all the offenses against the ordinances or by-laws of said town, and concurrent jurisdiction with the county judge and justices of the peace in all penal and criminal offenses committed in Wolfe county; and the police judge shall have concurrent jurisdiction with judge of the quarterly court in all civil cases, and with justices of the peace for said county; he shall be a conservator of the peace, and shall be commissioned by the Governor, and take the same oath as required by justices of the peace, and execute bond as now required by law of this State, bond to be executed in the county court of Wolfe county; the police court shall be styled the police court of Campton, and is declared to be a court of record, and shall have all such powers of preserving order, punishing contempts of its authority, and enforcing obedience to its authorities and

processes, that is possessed by the county judge or other magisterial officers of said county. All fines imposed by the police court for offenses committed in said town shall be for the benefit of said town, and shall be paid over by the officer collecting the same to the treasurer of the board of trustees within ten days thereafter. All warrants issued by the police judge of said town for offenses committed in said town, which is cognizable, shall be in the name of the Commonwealth of Kentucky, for the benefit of the board of trustees of said town, and shall be executed by the marshal, or any other peace officer of Wolfe county to whom they are delivered, and returned by said officer to the police court for trial. Said police judge shall have power to take bail for the appearance of persons charged with offenses within his jurisdiction at a subsequent day for trial, or to indorse on warrants issued by him the sum in which defendants may be admitted to bail by the officer making the arrest for his appearance, and day to be fixed by such officer; and in case any defendant shall fail to appear in discharge of his or her bail, it may be declared forfeited, and the defendant and his securities summoned to show cause why judgment should not be rendered against them for the amount; and if no sufficient reason is shown in ten days after service of the summons, the court shall give judgment for the amount of the bond, upon which judgment a *capias pro fine* may be issued, and when collected the same shall be paid to the board of trustees or treasurer: *Provided*, That the bail required of the defendant shall in no case exceed the amount of the fine which might be imposed.

§ 21. The police judge may charge and collect the following fees: For issuing a warrant cognizable in his court, one dollar; for swearing a jury and presiding at the trial, one dollar; for presiding at trials where no jury is required, fifty cents; for recognizance or bond to keep the peace, one dollar; to be paid by the applicants, and for all other services he shall be allowed the same fees that are allowed to justices of the peace for similar services.

§ 22. Either party may appeal from a judgment of the police court to the Wolfe circuit court, when by the Civil

Code of Practice such party would be entitled to appeal from the judgment of the quarterly court or justices' court; the appeal shall be taken in the same manner, within the same time, and on the same conditions, as from the quarterly court or justices of the peace. The police judge shall have power and jurisdiction to enforce the laws of this State against vagrants and peddlers who shall offend against the laws of this State within the limits of said town, and to require bonds to keep the peace and be of good behavior.

§. 23. There shall be a marshal elected at the same time that the police judge is elected by the qualified voters of said town. The marshal shall execute bond, and take the oath of office within ten days next after his election. He shall hold his office for two years. The marshal shall, in addition to the oath required by the Constitution and laws of this State, take an oath faithfully to discharge all the duties under this act and by-laws of the board of trustees of said town, and execute, with securities to be approved by the board of trustees, conditioned for the faithful performance of his duties, and that he will in due time collect and pay over to the proper person all taxes, fines, assessments, forfeitures, or other dues to said town placed in his hands for collection, and that he will to the best of his skill and judgment execute all such duties as may be lawfully required of him by the board of trustees, or as imposed by this act. The marshal shall execute all process to him directed from the police judge or other officer for breach of the by-laws or ordinances of said board of trustees, or for any offense committed in said town; and he may execute process issued by any officer in the Commonwealth of Kentucky for any infractions of the criminal or penal laws of this State, and for these purposes may go to any part of Wolfe county; and said marshal shall have concurrent jurisdiction with constables of said county in all civil cases: *Provided*, That said marshal shall have no power to execute civil process outside of the town limits, until he shall have entered into bond, with approved surety, in the county court, in the same manner that constables are required to do. He shall have all the power to levy, distrain, and sell

For taxes, fines, assessments, or forfeitures, or other dues of the board of trustees, that sheriffs have in the collection of the revenue or county levy, and shall have the same compensation, or any additional compensation the board of trustees may allow; and upon his failure to collect and pay over, he and his sureties shall be liable in the same manner, and proceeded against in the same way, that constables are proceeded against in this Commonwealth. The marshal shall have the power to sell any real estate to pay any town taxes or assessments against its owner in the same manner, and on the same terms, that sheriffs have to sell under execution when he shall be unable to find personal property in said town to pay the same, and shall return the authority under which he made the levy and sale, with his return indorsed thereon, to the clerk of the circuit court of Wolfe county, who shall record the same in the same manner as execution sales are required to be recorded, and shall be entitled to the same fees therefor. Such real estate shall be subject to redemption in the same manner, and in the same time, and on the same terms, as real estate sold under execution, and if not redeemed in one year, shall be conveyed to the purchaser by the marshal in the same manner as real estate is conveyed by the sheriff.

§ 24. It shall be the duty of the marshal to arrest all persons who may, at any time, be guilty of a violation of any of the provisions of the by-laws or ordinances of said town, or of the charter respecting the good order, peace, and tranquility of said town, or any of the inhabitants. The marshal shall attend all sittings of the police court, and may be required by the board of trustees to attend any or all of their meetings, and to perform such other services, not inconsistent with the nature of his office, as they may prescribe by the by-laws.

§ 25. In case the police judge or marshal shall fail to give bond as required by this act, within ten days after the former receives his commission, and the latter after his election and receiving certificate of election, he so failing shall forfeit his office, and the same shall be declared vacant by an order of the board of trustees, or if the police judge

or marshal shall move from said town, his office shall be declared vacant.

§ 26. The board of trustees shall annually appoint one town assessor, who shall take a list of all property in said town taxable under section sixteen of this charter, and to fix a just and fair valuation upon all property listed for taxation on the tenth day of January in that year; which list shall be made on the oath of the party; or if any one refuse to give in a list and swear to it, or fails to do so from any cause, the list shall be made from the best information the assessor possesses. Two fair copies of said list, arranged in alphabetical order, shall be completed and returned to the board of trustees at the first regular meeting in March, whereof notice shall be given, that said inhabitants or owners may examine the same; and if any one shall feel aggrieved thereby in excessive valuation, application may be made to the board of trustees, and proof being made to their satisfaction, the list may be recorded. The board of trustees shall pay the assessor a reasonable compensation for his services.

§ 27. The board of trustees shall appoint a clerk of their board, whose duties and pay shall be determined by the board.

§ 28. The board of trustees may employ an attorney to prosecute in any or all cases before the police court, or to defend in any action in which it is necessary for the board to defend, and agree with him as to his compensation.

§ 29. That all elections held under this charter shall be held at the court-house by the clerk of the board of trustees, or, in his absence or disability to act, then by the clerk of the Wolfe county court, or in case of his absence or inability or refusal to act, then by some one appointed by the board of trustees. The officer holding the election shall be responsible in every way that officers of other elections are by the laws of the State. The poll-books, together with the certificate of the officers holding the election, shall be returned to the board of trustees, who shall spread the result of the election upon their record, and give certificate of election to the person receiving a majority at said election.

§ 30. It shall be the duty of the trustees of the town to keep the streets, alleys, and sidewalks in good repair; and upon failure to keep the same in good repair, they may be indicted and fined as surveyors of roads under the statutes are now fined; and the citizens of said town are hereby exempt from working on public roads outside the corporate limits of said town.

§ 31. The board of trustees shall have power to inflict a fine of not exceeding ten dollars for every breach of their by-laws, except as provided in sections fourteen and fifteen of this charter, to be sued for and recovered in their name before the police court of said town, or where objections arise to said police judge, then before any justice of the peace for Wolfe county or county judge. Said fines shall be paid to the treasurer of said town for the benefit of said town.

§ 32. In the trial of any penal violations of the town laws, the defendant shall have the right of trial by jury where the punishment to be inflicted exceeds a fine of fifteen dollars exclusive of costs.

§ 33. That in the trial of all cases, either criminal, penal, or civil, in the police court, the judge shall have the same jurisdiction and be governed by the laws of the State that govern the judge of the quarterly court of Wolfe county for violations of State laws in the trial of civil cases.

§ 34. This act to take effect from and after its passage.

Approved March 29, 1884.

CHAPTER 489.

AN ACT to amend an act, entitled "An act to incorporate the Henderson Bridge Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said act to incorporate the Henderson Bridge Company, approved February the ninth, one thousand eight hundred and seventy-two, be so amended as that the capital stock of said Henderson Bridge Company shall be one million dollars (\$1,000,000), instead of two million dollars.

(\$2,000,000), as provided in the act hereby amended; and the capital stock of the Henderson Bridge Company is now fixed at one million dollars (\$1,000,000), and that the several subscribers to the capital stock of said Henderson Bridge Company be, and they are hereby, authorized to surrender their several certificates for capital stock of said Henderson Bridge Company, and to receive in lieu thereof other certificates for one share for each two shares for which they may hold certificates at the time of such surrender.

§ 2. This act is hereby declared to be a public act, and shall be in force from its passage.

Approved March 28, 1884.

CHAPTER 490.

AN ACT to amend the charter of the town of Litchfield, in Grayson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The fiscal, prudential, and municipal affairs of said town, with the government and control thereof, shall be vested in the board of trustees of said town, a majority of whom shall constitute a quorum for the transaction of business.

§ 2. Said board of trustees shall have power to pass all needful laws and ordinances, affixing adequate penalties for the violation thereof, necessary for the good government of said town, for the improvement thereof, and for the preservation of the public health, good order and morals thereof, not inconsistent with the Constitution and laws of this State.

§ 3. Said board of trustees shall have power to levy and collect annually a poll-tax from each adult male inhabitant of said town not exceeding two dollars upon each head; and may levy and collect annually an ad valorem tax of not exceeding fifty cents upon each one hundred dollars' worth of all the real and personal estate in said town subject to taxation by the laws of the State.

§ 4. The money arising from taxation in said town shall be applied by said trustees to the payment of the government of said town, and for the improvement of the streets and alleys thereof, and for such other objects of public utility as they may deem proper for the benefit of said town.

§ 5. Said board of trustees shall have power to purchase, hold, sell, and convey such real estate, within the corporate limits of said town, as shall be deemed necessary for town or city purposes.

§ 6. Said board of trustees shall have power to have said town re-surveyed, and the lines and corners thereof, and the streets and alleys thereof, re-established; the same to conform, as nearly as possible, to be now ascertained by survey, to the original lines thereof; and have a map of the whole thereof made and recorded in the Grayson county court clerk's office; and after said map shall be so recorded, any houses or fencing that may be on any of the streets or alleys of said town shall be moved back to the lines of the streets and alleys whenever the same shall be rebuilt or removed: *Provided*, Said trustees may at any time have any rail fence or dilapidated post and plank or picket fence removed off of said streets and alleys, after giving three months' written notice to the owners thereof.

§ 7. Said board of trustees, by unanimous consent thereof, shall have the power to discontinue any streets or alleys, or parts thereof, in said town, whenever in their judgment they deem said streets or alleys, or parts thereof, useless and unnecessary, and they may sell and convey the same so discontinued.

§ 8. Said board of trustees shall have power to establish and compel the opening of such streets and alleys as they shall deem necessary for public convenience, to be done in the way streets and alleys are extended near rivers, as provided by article six, chapter one hundred and eight, General Statutes, which article is made part hereof.

§ 9. Said board of trustees shall have full power to cause and procure all the sidewalks in said town to be curbed and paved with brick or stone, of such width and style as said board may prescribe, at the expense and cost of the owners

of lots fronting or bordering on said sidewalks: *Provided*, That the property-owners of a majority of front feet between any two points on any sidewalks shall, by petition in writing, request the said board of trustees to order such improvements. Then the board of trustees, a majority of its members elect concurring, shall order and contract for said sidewalks described in said petition to be curbed and paved at the expense of the owners of the property on said sidewalks or parts thereof; and when said pavement shall be completed, said trustees shall apportion the cost and expense thereof equally among the lot-owners according to their front feet; and a lien is hereby given on said lots or parts thereof for the same, which cost and expense, including marshal's cost for selling, may be collected by the marshal of said town, who shall have authority to sell and convey said lots or parts of lots for the same according to such by-laws and regulations as shall be adopted by said board of trustees; and said board of trustees shall have the power to order and contract for such improvements as aforesaid, on any sidewalks, without the petition or consent of the property-owners as aforesaid: *Provided*, That a majority of all the members of the said board of trustees concur therein; and the owners of the property on such sidewalks shall be liable for the cost and expense of such improvements in front of their property as though they had petitioned as aforesaid: *Provided, however*, That the owners of any lots or parts of lots sold for the cost and expense of said curbing and paving as aforesaid, who has not consented in writing for that purpose, shall be allowed three years to redeem the same by paying to the purchaser of said lots or parts of lots so sold as aforesaid the purchase money, with fifteen per centum interest per annum, and ten per centum interest on all the levies and taxes that may have subsequently accrued thereon and been paid by said purchaser, and also the marshal's cost for making the sale; and those who may have consented to said improvements in writing may redeem at any time in one year, on payment of purchase price as aforesaid, and like interest and marshal's cost: *Provided*, That persons under disabilities shall have one year

to redeem on like terms, after their disabilities shall have been removed.

§ 10. Whenever at any time the sidewalks in said town shall need repairs, the said board of trustees shall have power to order the same repaired at the cost and expense of the owners of lots opposite the place or places to be repaired; and the same lien shall attach, and the cost and expense thereof shall be collected in like manner as provided in the foregoing section.

§ 11. The marshal's cost for advertising and making the sale mentioned in the foregoing sections shall be two dollars for each separate lot sold, and one dollar and twenty-five cents for making each deed, the latter to be paid by the town; but the said deed is not to be made until the time for the owner to redeem as aforesaid shall have expired; and the marshal then in office shall make the deed or deeds to the purchaser or purchasers, for and on behalf of the owners; which deed, when made and duly acknowledged by said marshal, shall pass to the purchaser the title thereto.

§ 12. Nothing in this act shall be so construed as to prohibit the property-owners in said town from constructing or repairing their own sidewalks, provided they do so in accordance with the directions and specifications of said board of trustees.

§ 13. If at any time the office of town marshal shall become vacant by death, resignation, or otherwise, the board of trustees shall fill said vacancy by appointment until the next succeeding August election, and until the successor then chosen has qualified.

§ 14. Said board of trustees shall have the power to tax druggists vending spirituous, vinous, or malt liquors, by prescription or otherwise, in said town, or within one mile of the corporate limits thereof, not less than one hundred dollars nor more than two hundred and fifty dollars per annum.

§ 15. Any druggist who shall sell any spirituous, vinous, or malt liquors within said town, or within one mile of the corporate limits thereof, as named in the preceding section, after said board shall have passed an ordinance requiring the

payment of said tax, and fixing the amount thereof, without first obtaining a license from said board allowing him so to do, shall be fined not less than fifty dollars, nor more than one hundred dollars for each offense, recoverable on indictment by the grand jury or by warrant issued in the name of the Commonwealth, to be tried in any court having jurisdiction of the amount.

§ 16. The license named in the preceding section shall be issued by the clerk of the board of trustees, upon the payment to him of said tax by the applicant; and the clerk shall make proper record of the same, and pay said tax to the treasurer of the board of trustees.

§ 17. In case the local option law, which is now in force in said town of Litchfield, shall hereafter be repealed in the manner provided in an act of this General Assembly, approved January twenty-sixth, one thousand eight hundred and seventy-four, entitled "An act to regulate the sale of spirituous, vinous, or malt liquors in this Commonwealth," or by special act of the General Assembly, then from and after the date of said repeal the county court of Grayson county shall have no authority to grant any tavern-keeper in said town of Litchfield, or within one mile of the corporate limits thereof, a license to vend spirituous, vinous, or malt liquors, until said tavern-keeper shall first present to said court a license for said purpose, obtained from the board of trustees of said town.

§ 18. Said board of trustees may, in their discretion, grant or refuse to grant license to a tavern-keeper in said town, or within one mile of the corporate limits thereof, giving him the privilege of vending spirituous, vinous, or malt liquors; but in case they elect to grant said license, they shall charge each applicant or company or firm doing business at one place an annual tax of four hundred and fifty dollars.

§ 19. Said license shall be issued by the clerk of the board of trustees of said town upon payment to him of said tax by the applicant, and the clerk shall make proper record of the same, and pay said tax to the treasurer of the said board of trustees.

§ 20. Said board of trustees shall have the power to revoke at any time such license of any tavern-keeper, should they deem such revocation necessary for the protection of the good order or morals of said town, upon the payment or the tender of the payment, on the part of the said board of trustees, to said tavern-keeper, his clerk or bar-tender, a sum of money proportionate to the unexpired term of said license, rating the license at said sum of four hundred and fifty dollars per annum.

§ 21. Any tavern-keeper who shall sell spirituous, vinous, or malt liquors in said town, or within one mile of the corporate limits thereof, without having first obtained a license from the board of trustees as provided in the preceding sections, shall be fined not less than one hundred dollars nor more than two hundred dollars for each sale so made, recoverable upon indictment by the grand jury of Grayson county, and tried in the circuit court thereof, as in other cases now provided by law.

§ 22. In case the said board of trustees shall grant license to any tavern-keeper as provided in the preceding sections of this act, then they shall have the further power to grant, at their discretion, to any other person license to sell spirituous, vinous, or malt liquors by retail in said town or within one mile of the corporate limits thereof, and shall charge him an annual tax of four hundred and fifty dollars for the benefit of said town; but no such license shall be granted him until he shall have entered into bond, in the county court of Grayson county, with surety conditioned in all respects and under all the liabilities of tavern-keepers, except as to the entertainment of travelers and their horses; and said license shall be issued by the clerk of the said board of trustees in like manner as is provided in section nineteen of this act for issuing license to tavern-keepers; and said license shall be subject to revocation in like manner as is provided in section twenty of this act for the revocation of tavern licenses; and any person who shall sell spirituous, vinous, or malt liquors in said town, or within one mile of the corporate limits thereof, without having first obtained a license from the said board of trustees of said town so to do, shall

be fined not less than one hundred dollars nor more than two hundred dollars for each sale so made, recoverable upon indictment by the grand jury of Grayson county and tried in the circuit court thereof, as in other cases now provided by law: *Provided*, That nothing in this act shall be so construed as to prohibit distillers from selling by wholesale any spirits of their own manufacture.

§ 23. All moneys arising from fines and forfeitures by reason of any violation of the provisions of this act shall be paid over to the treasurer of said town to be applied for the use and benefit of said town: *Provided*, That nothing in this act shall be so construed as to prevent the prosecuting attorney from recovering the per centum now allowed him by law.

§ 24. All laws in conflict herewith are hereby repealed.

§ 25. This act shall take effect from and after its passage.

Approved March 29, 1884.

CHAPTER 491.

AN ACT to prohibit the sale of spirituous, vinous, and malt liquors within two miles of Bethel Church, at Gainsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell, vend, or give any spirituous, vinous, or malt liquors within two miles of Bethel Church, at Gainsville, in Allen county, Kentucky.

§ 2. Any person violating the provisions of this act shall, upon conviction thereof before the county judge of Allen county or justice of the peace of said county, or police judge of Scottville, or upon indictment by a grand jury and conviction, be fined in any sum not less than twenty-five dollars nor more than fifty dollars for each offense.

§ 3. This act shall take effect from its passage.

Approved March 28, 1884.

CHAPTER 492.

AN ACT to incorporate the city of Richmond.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

ARTICLE I.

Corporate Powers, Boundaries, and Wards.

§ 1. That so much of the county of Madison as is embraced within the present limits of the town of Richmond, as hereinafter named, and the persons residing in said boundaries, are hereby created a body-politic and corporate, by the name and style of the City of Richmond; and by that name may have perpetual succession, sue and be sued in all courts at law or in equity; may contract and be contracted with; may purchase and hold such lands and tenements and personal property as may be necessary for the use of said corporation; and may lease, sell, and convey, or otherwise dispose of same.

§ 2. And said city is invested with all the lands, tenements, and hereditaments, and all the goods, chattels, moneys, revenues, rights, and demands in possession or expectancy of the town of Richmond; and shall be bound by all contracts, and responsible for all debts, demands, and liabilities, of whatsoever kind, against said town, in the same manner and to the same extent as before the adoption of this act.

§ 3. All streets, alleys, roads, lanes, and commons now open to the public travel, and now established in said town, are hereby declared to be streets, alleys, roads, lanes, and commons of the city of Richmond.

§ 4. The corporate limits of the city of Richmond are hereby established as follows: So much of the county of Madison as is embraced in a circle, the radius of which is three fourths of a mile long, and the center of which is the site of the present court-house of Madison county.

§ 5. Said city shall be laid off into four wards:

Ward number one shall contain all that part of the city south of Main street and west of Second street, and a

straight line extending from the terminus of Second street to the city limits.

Ward number two, all north of Main street and west of Second street, and the Richmond and Otter Creek Turnpike.

Ward number three, all south of Main street and east of Second street, and a straight line extending from terminus of Second street to the city limits.

Ward number four, all north of Main street and east of Second street, and Richmond and Otter Creek Turnpike. Each ward shall elect a councilman, who shall be a resident of same. The mayor of the city shall be elected by the qualified voters of the city, voting in their respective wards.

§ 6. In all suits or proceedings against said city, service of process shall be upon the mayor, or, in his absence from the city, upon the clerk of the city council.

ARTICLE II.

Distribution of the Powers of Government.

§ 1. The corporate powers of the city of Richmond shall be divided into three distinct departments, viz: the legislative, the executive, and the judiciary.

ARTICLE III.

Legislative Department.

§ 1. The legislative powers of the city of Richmond shall be vested in a mayor and four councilmen, to be styled the City Council of Richmond.

§ 2. No person shall be eligible as mayor or a member of the city council who is not a male citizen and legal voter of said city, and *bona fide* owner of real estate therein, and who has not been a continuous and *bona fide* resident thereof for at least one year next preceding his election, and who is not a resident of the ward for which he is elected (except the mayor, who may be a resident of any ward), and who shall be directly or indirectly interested in any contract with said city, or in any application therefor; and if, after his election, any member of the city council shall remove from the city or ward for which he was chosen or elected, or

shall die or resign as councilman, or accept any office, post, employment, or agency, the holding or discharging of which would have rendered him ineligible as a member of the city council, or do any other act or thing which would have rendered him ineligible as a member of said council, his seat as such member shall be thereby vacated, and said city council shall so declare, and proceed to fill the vacancy as is hereinafter provided.

§ 3. Stockholders in other corporations may be eligible to the office of mayor or member of the city council, but shall not vote on or interfere, directly or indirectly, with any matter or question affecting any contract between such company or corporation and the city, or right or duty under the same.

§ 4. Before they enter upon the execution of their respective offices, the mayor and city council, and all other city officers herein created and established, shall, in addition to the oath required by the Constitution and the laws of this Commonwealth, take the following oath or affirmation: I do solemnly swear (or affirm) that I will faithfully, without fear, favor, or affection, perform the duties of the office of _____ of the city of Richmond, according to law. Which oath or affirmation may be administered by any officer authorized by law to administer oaths, and a certificate thereof shall be noted on the journal and filed with the records of the city.

§ 5. The city council shall keep or cause to be kept a correct journal of all their proceedings; and all records, official proceedings of the council, and of the board of trustees of Richmond under former charters of the town of Richmond, are hereby declared public records, and as such shall be preserved and entitled to all the faith and credit of public records; and official copies thereof may be read in all courts with like effect as of other public records.

§ 6. The mayor and city council shall hold their offices for the term of two years from and after their election, and until their successors shall be elected and qualified; and said council may, from time to time, fix and regulate by their by-laws the times and places of the regular meetings

of the council, and also prescribe the mode in which special meetings may be had, and rules of their proceedings; and may inflict a penalty on any member, not exceeding two dollars, for non-attendance at their meetings, after said member or members has been duly notified of the time and place of said meeting or meetings.

§ 7. A majority of the city council shall constitute a quorum to transact business, and pass and enact by-laws and ordinances: *Provided, however,* That no ordinance incurring a liability, or requiring an appropriation of exceeding one hundred dollars, shall be valid, unless the same be voted for (and the yeas and nays be taken on same, and entered upon the journal) by every member of the council present at the meeting: *And provided further,* That said council shall have no power to enlarge the indebtedness of said city more than five thousand dollars over and above the receipts of the town revenue for that year; and may borrow money not to exceed that amount, and pledge the faith and credit of the city for the payment of same; but said indebtedness shall never exceed at any one time more than said sum of five thousand dollars, and if it should, the councilmen voting same shall be personally liable for same.

§ 8. Upon all questions voted upon by the city council any member shall have the right to call for the yeas and nays, and have the same recorded in the journal.

§ 9. The city council shall have power, within the limits of said city, in addition to the other powers granted to and vested in them by this charter—

Powers.

1. To fill vacancies in the council by an election on ballot of its members, and, in default thereof, by appointment by the mayor.

2. To levy and cause to be collected a per capita and ad valorem tax within the limits prescribed in this charter.

3. To appropriate money and provide for the payment of the debts and expenses of the city.

4. To make regulations to prevent the introduction or spreading of contagious or infectious diseases in the city; to pass quarantine laws for that purpose, and to enforce the

same within one mile of the boundaries of the city, and to establish hospitals and pest-houses, and make rules and regulations for the government of same; and to make rules and regulations to secure the general health of the inhabitants of the city.

5. To cause the owners and occupiers of property to keep the streets and alleys in front of them clean and free from dirt or filth, and the pavements clear of snow; by ordinance to declare same a nuisance; to prescribe penalties if such persons fail or refuse to obey or perform the directions given in relation thereto by the city council.

6. To prevent, abate, and remove nuisances at the expense of the occupiers, or if unoccupied, of the owners on whose grounds they exist; and they may, by ordinance, affix the penalty for keeping, causing, or committing a nuisance, which shall be by fine in the city court not exceeding one hundred dollars for each day the same is continued after notice. They shall have power to prohibit the erection of wooden buildings, and regulate the height of same; in any part of said city, whereby great danger may ensue to valuable and permanent property, and to enforce same by fine and penalties.

7. To provide the city with water by means of wells, cisterns, or otherwise.

8. To establish, erect, and keep in repair bridges, culverts, sewers, reservoirs, and dams, and regulate the use of the same, and to have repaired or removed or changed any chimneys, flues, stove-pipes, or fire-places that in their judgment threaten the security of other property.

9. To provide for the lighting of the streets, market-houses, and all city offices and buildings, and may cause said houses and the grounds belonging to same to be ornamented with trees and shrubbery, and punish any person injuring same by a fine of not more than fifty dollars.

10. To appoint, support, and regulate assistant marshals, night watches, police and patrols, and to prescribe their duties and compensations.

11. To erect suitable market-houses, to establish market-places, and provide for the government and regulation

thereof, and appoint inspectors of the articles sold therein, and to provide for the condemnation and destruction of such as are stale and unwholesome, and designate some place or lot in the city where stock shall be exposed to sale, and provide for its rules and regulations and assessments on stock sold therein, and provide punishment for public selling at other points than designated.

12. To license, tax, and regulate auctioneers, peddlers, insurance agents, brokers, pawnbrokers, tobacco factories, warehouses, and public halls.

13. To license, tax, regulate, and suppress theatrical and other exhibitions, shows, and amusements, circuses, menageries, and museums.

14. To suppress gaming, drunkenness, gambling-houses, bawdy-houses or houses of prostitution, street-walkers, and disorderly houses of all kinds, including tippling-houses, and all retailing of spirituous liquors without license so to do, and to provide for the arrest and punishment of the offenders; and may provide for the prevention and punishment of any person who shall rent property to prostitutes or gamblers, or shall suffer their property to be used or occupied by lewd or disorderly persons or gamblers; and may prescribe by ordinance such penalty therefor as they may think proper, not exceeding the amount prescribed for the punishment of same by the general laws.

15. To provide for the prevention and extinguishment of fires, and to regulate and establish fire companies; also to regulate and restrain the erection of wooden buildings, and to provide for the removal of the same when built contrary to the ordinances of the city; to appoint fire wardens and property-guards, with full power to arrest and keep away from the vicinity of any fire occurring in said city idle or suspicious looking persons lurking near the same, and to compel any person or persons present to assist in extinguishing fires; and to compel all persons present at a fire to assist in the preservation of property exposed to the dangers of the fire, and to prevent purloining or stealing goods or property at such fire, and such other power and duties as may be prescribed by ordinance.

16. To erect and keep in repair accurate public scales, and appoint a public weigher, and to fix his compensation for his services.

17. To provide for the levy and sale of the real and personal estate of all persons against whom or whose property a per capita or ad valorem tax is assessed under this charter, the regulation prescribed not to be in conflict with the provisions hereinafter provided.

18. To erect a work-house, and provide for the regulation and government thereof.

19. To license, tax, and regulate hackney-carriages, coaches, omnibuses, carts, drays, and wagons used for public hire.

20. To elect, fix, and provide for the payment of the compensation of all town officers, servants, or agents not otherwise provided for by this charter; and regulate and provide for the payment of all jurors, witnesses, and others for services in behalf of said city under this charter.

21. To establish rules to enforce a faithful and honest discharge of the official functions of all officers of the city, and to prescribe the penalty for their non-observance.

22. To remove from office any member of the city council for willful or corrupt misconduct in office, or for willful failure and neglect to discharge the duties required of them, or either of them; and to remove at pleasure any city officer, agent, or servant elected by the council; but in cases of impeachment, the party accused shall be notified of the charge or allegations against him at least ten days previous to the day of trial, and which charges or allegations shall be spread upon the records of the city council. The council shall sit as a court on oath or affirmation, and the defendant shall have the right to be heard in person or by counsel, and have right of appeal in the same manner that appeals are taken from justices of the peace.

23. To declare and announce by proper ordinance all vacancies in office, arising from any cause whatever, and fill the same by the election of a suitable and eligible person, who shall take the oaths of office heretofore prescribed, and when necessary, execute the proper bonds, and enter upon

a discharge of all the duties of his office until the expiration of the term for which he is appointed or elected.

24. To make such rules, by-laws, and ordinances for the purpose of maintaining the peace, good government, and order of the city of Richmond, and for the interest of trade, commerce, and manufactures thereof, as the council may deem expedient and necessary, not repugnant to the Constitution of the United States or of the State of Kentucky, and to enforce their observance by prescribing penalties and fines for the violation thereof, and to make all ordinances which shall be necessary and proper for the carrying into effect the powers vested by this act in the corporation, the city government, or any department or office thereof.

25. To define by ordinance what shall constitute vagrancy, and to declare who are vagrants, and prescribe proper penalties and punishment therefor.

26. To define by ordinance what shall constitute peddling, and to declare who are peddlers; to fix license for the several classes of peddlers, and prescribe punishment and penalties for peddling without proper license.

27. To provide for the prevention and suppression of any riot, rout, breach of the peace, noise, disturbances, disorderly or unlawful assembly in the streets, houses, or other places in the city, or any violation of any city ordinance, and for the arrest and confinement in the work-house of said city, or the jail of Madison county, and to provide for the trial of the parties committing, engaging in, or taking part in, or aiding or abetting the same. The city council shall have power to prescribe for any violation of any of the city laws or ordinances, provided it shall not exceed sixty days imprisonment in the work-house or county jail, or fine not exceeding one hundred dollars, or both. All persons arrested in said city shall have a speedy trial; but if arrested during the night, may be confined by the officer making the arrest in the city work-house, county jail, until the succeeding day; and in such cases the jailer of Madison county, or warden of the work-house, shall receive the party under arrest without an order of commitment, and safely keep until he or she is released for trial; if the jailer or warden

refuse to receive such prisoner when in custody of an officer, he shall be fined for such refusal not less than fifteen nor more than fifty dollars: *Provided*, That the jailer shall take bail-bond from the prisoner, if the charge be a misdemeanor, not exceeding one hundred dollars, for his appearance before the court on the next day, and shall give him reasonable opportunity to execute bond.

28. To prevent and remove any and all encroachments and obstructions into or upon any of the streets, alleys, sidewalks, lanes, avenues, or the public square established by this charter, or by ordinance or otherwise regulate, modify, and change the grade and width of the streets, alleys, lanes, avenues, sidewalks, pavements, and sewers, and to have and exercise complete and perfect control over same, and over all public squares or commons belonging to the city and within its limits, and over all property, real or personal, belonging to the city.

29. To provide for the removal from the limits of the city, or for killing mischievous, vicious, and diseased animals, and for the punishment, by fines and penalties, of the owner or keeper of such animals for allowing them to go at large, and to impose a tax on the owners of domestic animals running at large in the city.

30. To order and compel the owner of any lot, piece or parcel of ground, within the limits of the city, at his own cost and expense to grade, pave, construct sidewalks, culverts, curbing, guttering, and otherwise improve that portion of said lot, pieces, or parcel of ground which bounds upon and adjoins any street, lane, avenue, alley, public road or public square in said city; and if any such owner or owners shall fail and refuse for thirty days to obey said order, after being notified of the same, which notice shall be by the delivery, by the city marshal, or by the sheriff or any constable of Madison county, of a copy of said order attested by the clerk and mayor to said owner, or if the owner be a non-resident of the county of Madison, then the notice shall be by the publication of said order for at least four weeks in any or all the newspapers published in said city, then the said city council may order the same to be done at the

cost and expense of the city, and the city shall have a lien upon such lot, piece, or parcel of ground for the money so expended, together with all legal costs and expenses attending the collection of the same, and may cause said lien to be enforced in the same manner as is prescribed for the enforcement of mechanics' liens in chapter seventy of the General Statutes of Kentucky: *Provided*, That said council shall not cause any person to build and construct more than one hundred feet of pavement in any one year, and that all ordinances, and their enforcement in relation thereto, shall be equal and uniform

31. To elect at the first meeting after their election, and immediately after their organization, first, a clerk; second, an attorney; third, treasurer; fourth, assessor; fifth, a marshal; sixth, a warden of the work-house, if one be established; seventh, public weigher; eighth, city collector of taxes. No one of such officers shall be eligible to fill more than one office at the same time, and the record of the election of the said officers shall be spread upon their journal: *Provided, however*, That the marshal shall be eligible to fill the office of public weigher.

32. To appoint a board of supervisors of all the books showing assessment of property of all persons for taxation; and their duties and powers shall be the same with regard to the city assessor's books as county supervisors are with regard to the county assessor's books. Said board of supervisors to consist of three members, residents of the city, and qualified voters thereof, to be appointed by the mayor at the time the city assessor's lists, book or books, are required to be returned; and the supervisors' pay for services shall not be more than two dollars and fifty cents for each day they may be actually engaged in the discharge of their duties, to be paid out of the city treasury.

33. To receive, alter, widen, straighten, extend, grade, gravel, pave, and otherwise improve, clean, and keep in repair, and to open and lay off new and additional streets, sidewalks, alleys, avenues, lanes, and public grounds.

34. To demand and require a bond from the mayor, police judge, treasurer, assessor, collector of taxes, and

marshal, and all other officers created under this charter, if deemed necessary by them, with good and sufficient security for the faithful performance of their duties as such officers, which bond must be approved by the council, and must be spread at large upon the records of the proceedings of the council by the city clerk.

35. They shall have a right to license, tax, and regulate in said city all taverns, vendors of spirituous, vinous, or malt liquors, [and] saloons, and may levy a tax on same, not to exceed one thousand dollars per annum, and may discontinue said licenses at pleasure ; but in this event they shall repay to the person so licensed what would be an equitable pro rata of the money paid for said license. They may also license billiard tables, pigeon-hole tables, bowling saloons, and all houses of public resort, shooting galleries; but in no case shall the tax or license exceed two hundred dollars per annum.

ARTICLE IV.

Executive Department.

§ 1. The mayor of the city of Richmond shall hold his office for the term of two years, and until his successor is elected and qualified. He shall be the chief executive officer of said city ; he shall preside at all meetings of the city council, decide points of order, and shall have the power during the session of said council to enforce good order and decorum, and to punish contempts as presiding judges of the circuit courts have given them by law.

§ 2. He may require information in writing from all officers of the city on any subject relating to their respective offices, and shall perform and discharge such duties as may be prescribed from time to time by ordinance, not inconsistent with this charter ; to issue warrants in the absence of the police judge for misdemeanors of which the police judge has jurisdiction, and in the absence of said police judge from the city, to preside in any trial for such misdemeanor.

§ 3. He may call special meetings of the city council whenever, in his judgment, it may be deemed necessary or to the interest of the city.

§ 4. He shall have the care and superintendence of the public property of the city; and he shall see that the laws and ordinances of the city, and contracts made with the city, are duly enforced and observed, and faithfully executed.

§ 5. He shall be a conservator of the peace, and when deemed necessary by him to enforce the laws and ordinances of the city to save life or property, or to quell riots, routs, or breaches of the peace, he may summon into service any of the citizens of said city and of Madison county; and in such cases he must be present and command in person, and the council may by ordinance prescribe suitable fines and penalties for disobedience of his order or summons.

§ 6. He shall give the casting vote whenever the council may be equally divided on any question or ordinance.

§ 7. In case of the death, resignation, removal from office, inability or refusal to act, or temporary absence of the mayor, the members of the council shall elect one of their members mayor *pro tem.*, who shall exercise the powers and discharge the duties of mayor until the disabilities be removed, or, in case of permanent vacancy in said office, until it shall have been filled as provided herein.

§ 8. The mayor shall have power to administer oaths.

§ 9. The compensation of the mayor shall not exceed two hundred and fifty dollars per annum.

ARTICLE V.

§ 1. The judicial power of the corporation shall be vested in and exercised by a court, to be styled the Police Court of Richmond. The judge thereof shall be elected by the qualified voters of the city at the time of the general election for the city councilmen, and shall hold his office for the term of two years, and until his successor is duly elected and qualified.

§ 2. Said court shall have jurisdiction of all misdemeanors under the laws and ordinances of the city, and of the State laws, when committed within the limits of said city, when punishment does not exceed one hundred dollars and sixty days' imprisonment, and such other jurisdiction as is herein-

after stated, and shall have all necessary powers to effectuate the jurisdiction given. It shall also have the same power, as an examining court of Madison county, that two justices of the peace now have under the law of the State, with like duties in such cases; may take recognizances and bail-bonds for appearance in said court, and also recognizance and bail-bonds in cases of felony and misdemeanors, which shall be for an appearance in the circuit court, or in any court of competent jurisdiction in said county; and shall hear complaints of breaches of the peace, and require sureties to keep the peace, and shall have power to commit to the work-house or county jail; and for violation of penal laws of the State or ordinances of the city, to impose such fines and penalties as may be prescribed by the laws of the State or ordinances of the city, to the amount of one hundred dollars, and not exceeding sixty days imprisonment, with the intervention of a jury, or without a jury, if it be waived by the party charged. Said court shall have concurrent jurisdiction with justices of the peace in cases of disturbing religious worship, or any lawful assembly, riots, disorderly conduct, unlawful assemblies, and breaches of the peace. Appeals can be taken from the judgment of said court to the Madison circuit court, or any of similar jurisdiction in criminal cases, when the judgment be for imprisonment or for a fine of ten dollars or more.

§ 3. Said court shall have concurrent original jurisdiction in all matters, both in law and equity, within the limits of Madison county, with justices of the peace in all actions and proceedings for the recovery of money and personal property, where the matter in controversy, exclusive of interest and costs, does not exceed one hundred dollars in value; and appeals shall be from decisions and judgments of said court to the circuit court of Madison county in all civil cases where the amount in controversy, exclusive of interest and costs, is twenty dollars and over, and to the Madison quarterly court in civil cases when the amount in controversy, exclusive of interest and costs, is ten dollars and over.

§ 4. If in any action in the police judge's court, except

as herein provided, it shall appear during the pendency thereof that the title of real property is involved in the controversy, either directly or indirectly, it shall be the duty of the court, on motion of either party to the action, to make an order transferring said cause to the circuit or common pleas courts of the county, and to deliver the original papers and certified copies of all orders made in the action to the clerk of the circuit or common pleas court, who shall docket the same, and the proceedings shall be had thereon as though the action had been brought originally in that court, and the title to real estate involved therein shall not be affected thereby.

§ 5. Said court shall have jurisdiction within Madison county concurrent with justices' courts of motions against constables and their sureties, and jurisdiction exclusive of them of actions and motions where the amount claimed is less than one hundred dollars, exclusive of interest and costs, against any officer of the city of Richmond and his sureties, or any one of them, or the personal representative of any one or more of them jointly with the survivors, for any money collected by them, or any of them, on any execution, order of sale, or bill, or any note or account or other claim put in their hands for collection, and which, on demand, they shall neglect or refuse to pay; and also to issue and try warrants of forcible entry and detainer, and search warrants; and in all actions, motions, and warrants mentioned in this section the said court shall proceed in form and manner as is provided for in the General Statutes and laws of the State.

§ 6. The police court shall be holden at the court-house in the city of Richmond, or at any place the police judge may select.

§ 7. The police judge (or mayor in his absence) shall issue his process in the name of the Commonwealth, as other warrants, except in cases otherwise provided for in this act, and make them returnable before him as police judge of Richmond. The same shall be directed to the marshal of Richmond, or any other peace officer of Madison county, and shall be executed and returned by the marshal,

constable, or other peace officer, as the case may be: *Provided, however,* That when any prosecution is instituted and carried on at the instance of the city council, the warrant shall state that it is issued at their instance, in which case they shall be entitled to the fine or penalty recovered. The police judge shall be entitled to a fee of twenty-five cents for every peace warrant; and for warrants for any misdemeanor, or for a breach of any of the laws, by-laws, or ordinances in relation to the city of Richmond; and all judgments, orders, processes, or precepts, his fees shall be the same as those of justices of the peace for similar services; but his fees shall not exceed two dollars in any one case. The officer executing the process of said court shall be entitled to like fees, and to the same remedy for the collection thereof, as sheriffs of the State, and shall be subject to the like fines and penalties for like offenses and failures as is prescribed against sheriffs by the general laws of the State, to be recovered by action or motion in the police court as is herein provided for.

§ 8. The pleadings, practice, and mode of procedure in said court shall be governed by the Kentucky Code of Practice in civil and criminal cases, except as herein provided; and all fines and forfeitures recovered in the police court, and all other courts of Madison county, in the name of or in favor of the Commonwealth of Kentucky, for violation of the penal laws committed within said city limits, are hereby granted to the city of Richmond, and when collected, after payment of all fees and costs, shall be paid to the treasurer of said city: *Provided,* The penalty for said offenses does not exceed a fine of one hundred dollars and imprisonment sixty days.

§ 9. The police court of Richmond shall be a court of record, and the records thereof, or certified copies of same, over the signature of the judge of said court, shall be evidence in any court of this Commonwealth.

§ 10. The police judge of Richmond, mayor, or justice of the peace of Madison county, as the case may be, to whom complaint is made against any person or persons charged by said city council or their legally authorized officer with a

violation of the by-laws or ordinances of said city, shall issue a warrant immediately without requiring the affidavit of said officer: *Provided, however,* No warrant shall be issued without said affidavit of some person or persons, except on complaint of police judge or mayor: *And provided further,* That the police judge, on complaint made to him, or when he has reasonable grounds to believe that there exists in any house or building in the limits of said city any faro bank, gaming table, machine or contrivance used in betting or other game of chance, whereby money or other thing of value is bet, won, or lost, may issue a warrant, and cause said house to be searched by night or day for the detection of any such bank, gaming table, machine or contrivance, and if admission be not given on demand made, the officer or other person in charge of the warrant shall force an entrance, seize the said table, implements, bank, machine or contrivance, and all money or other thing staked thereon, and arrest the keeper thereof, or person in charge, or occupier of said room or building, together with such other persons as are found in the room, and bring them before the police judge to be dealt with according to the ordinances of the city and the general laws of the State against gaming.

§ 11. The rights, remedies, and manner of proceeding for the recoveries of fines, penalties, and forfeitures against defendants for the violations of the ordinances and by-laws of said city, when recovered in the police court or before the mayor, as herein provided, shall be the same as in other courts of similar jurisdiction in the same cases provided for in the general laws of the State.

§ 12. A return of no property found on a writ of *fiery facias* issued on any judgment in said court shall authorize an attachment out of equity against the choses in action or effects of the defendant, in the same manner that a return of no property found authorizes an attachment in equity on judgments in the circuit courts.

§ 13. The said court, so far as it is a police court and a court of inquiry, shall always be open for hearing and determining such cases without the intervention of a grand

or petit jury; but no person arraigned before said court on any of the by laws, ordinances, or other laws of the city, shall be deprived of the right of trial by jury if he so elects.

§ 14. No person shall be eligible to the office of police judge of Richmond unless he be a male citizen at least twenty-one years of age, and has resided as a *bona fide* resident within the limits of said city at least one year next preceding his election, and possesses such other qualifications as are required for county judges; and whenever a vacancy shall occur in said office, it shall be filled by appointment by the city council until the next regular election, or until his successor is elected and qualified; and in case the police judge fails to attend at his regular term of civil court, or is unable or incapacitated to preside in any action or special proceeding or prosecution pending in said court, or if either party shall file his affidavit that said judge will not grant him a fair and impartial trial, the law governing the election of a special judge of a circuit court shall, as to the cause therefor, and mode and manner thereof, apply to the election of a special judge of the said court, who shall possess all the qualifications of the regular police judge.

§ 15. Before the police judge of Richmond enters upon his duties, he shall receive from the Governor of Kentucky a commission as such, which shall be granted to him upon his furnishing a certificate of his election from the officers of the election, or a certificate of his appointment from the clerk of the city council, and thereupon he shall, before the county judge of Madison county, take the oath prescribed by this charter, and execute bond as herein required. The certificate of the taking of said oath shall be indorsed on the said commission by the county judge, and a certificate of the execution of the bond shall be indorsed thereon by the city clerk, which commission, with its indorsements, shall be recorded in the clerk's office of the Madison county court.

§ 16. The judge of the police court shall be a conservator of the peace, and shall have jurisdiction over affrays, assaults and batteries, and unlawful assemblies, all cases of

indecent or immoral behavior or conduct calculated to disturb the peace and good order of said city ; over all cases of drunkenness, profane swearing, Sabbath-breaking, running horses, firing guns or pistols, carrying concealed deadly weapons, making reports by burning powder or matches or crackers, blowing horns, crying aloud by night or day, or other riotous or disorderly conduct within said city, all of which are hereby declared misdemeanors; and may issue warrants of arrest for all offenses against the laws of the State or ordinances of the city when, from his own personal knowledge, or from information from the officers of the city herein designated, or from oath of any other person, he shall be satisfied that there are reasonable grounds to believe that an offense has been committed, and for those offenses committed in his presence may order arrests without a warrant. He shall have power, without the intervention of a jury, to summarily fine and imprison for contempts to his court, himself, officers of same, or processes or precepts: *Provided*, The fine does not exceed ten dollars nor the imprisonment twelve hours: *Provided further*, That he may with a jury fine and imprison for any contempts to his court, himself, or officers of his court, or his processes or precepts, but shall in this not impose a fine greater than one hundred dollars and imprisonment not exceeding sixty days.

§ 17. The regular terms of said police court in civil cases, unless changed by the judge thereof upon published notice for thirty days in the newspapers published in Richmond, shall be held on the first Saturday of each month of the year, and may be continued from day to day until the business thereof shall be disposed of.

§ 18. He shall have power and authority to grant injunctions, attachments, restraining orders, writs of *habeas corpus*, and to issue warrants in civil and criminal cases, under the same rules and regulations prescribed by law authorizing justices of the peace or the county judge to grant and issue same, except as herein provided; and said police judge shall act as clerk of his own court, but may appoint a deputy clerk, but shall be responsible for his acts as such. He shall

keep a docket, order-book, and execution-book, and such other books as may be necessary, and shall always keep them open for inspection of the city council, city attorney, and any other city officer, or any other person or persons who may be interested in same or entries therein.

§ 19. The court must by rule fix a monthly return day of executions, and other rules governing its proceedings, shall collect tax on suits where amount in controversy in civil cases is fifty dollars or over, under same conditions and regulations as are required of clerks of circuit courts, and the same rules which govern clerks of circuit courts in the taxation of an attorney's fee shall apply to the police judge, and his fees for all services not herein provided for, in any case where the jurisdiction is concurrent with the circuit court, shall be the same as allowed by law to circuit clerks; and when jurisdiction is concurrent with justices of the peace, his fees shall be the same as allowed by law to justices of the peace.

§ 20 An election shall be held by the legally qualified voters of the city of Richmond for the election of a police judge to fill said office, on the first Saturday in June, one thousand eight hundred and eighty-four, and every two years thereafter, to be conducted in the same manner as herein provided for in the election of city council; and the judge so elected shall continue in office for two years, and until his successor is elected and qualified.

ARTICLE VI.

§ 1. No person shall be eligible to the office of city attorney who is not a qualified voter in said city, and a regularly licensed lawyer.

Duties.

1. It shall be the duty of the city attorney to give legal advice to the city council when called upon, and to be present at the meetings thereof, if summoned; to prosecute all persons in the police court charged with a violation of the criminal and penal laws and ordinances of said city or the State of Kentucky; to institute proceedings for the enforcement of the forfeiture of recognizances and bail-bonds in

said court, and the enforcement of all judgments against offenders; and for his services in each case he shall be entitled to a taxed fee of two dollars, and thirty per cent. of the fines and forfeitures, to be paid by the defendants: *Provided*, That if said attorney's per cent. of the fine so allowed amounts to the sum of five dollars, then the taxed fee of two dollars is not to be allowed.

2. Said city attorney shall hold his office at the pleasure of the city council.

ARTICLE VII.

§ 1. No person shall be eligible to the office of city clerk who is not at the time of his election or appointment a qualified voter of the city.

§ 2. The city clerk, before he enters upon the duties of his office, shall execute a covenant to the city of Richmond, with good security, to be approved by the city council, conditioned for the faithful performance of his official duties.

§ 3. It shall be his duty to make a full and complete record of the acts and doings of the city council, in a book kept for that purpose, and each law and regulation, or ordinance passed by said council, shall be spread at large by him on said record; and he shall furnish a copy thereof for publication whenever required to do so by the council.

§ 4. It shall be his further duty to make and deliver true copies of the assessor's book by the first day of May each year, after revised by the board of city supervisors, to the city collector of taxes and treasurer for said city, and take their receipts for same; and to make out suitable poll-books for the officers of the election for elections of officers under this charter.

§ 5. It shall be his duty to issue such licenses as are authorized by this act, and collect the price thereof in all cases before the issuing of same, and shall pay the same, together with all moneys collected by him from any other source, as herein provided for, to the city treasurer, and shall take said city treasurer's receipt for same, and report said collections and receipts to the council at its next subsequent meeting.

§ 6. Said clerk, at the end of each fiscal year, shall publish in one of the newspapers published in the city of Richmond a full report of the financial condition of the city, making therein a full exhibit of the receipts and expenses of the last fiscal year, the expenses of such publication to be paid for out of the city treasury by warrant on the city treasurer as herein provided for.

§ 7. Upon the resignation, removal, or the expiration of his term of office, the city clerk shall, upon application, deliver to his successor, or such person as the council may direct, all books, papers, and records belonging to the city ; and upon failure to do so, he shall be subject to the same fines and penalties prescribed by law for defaulting clerks of this Commonwealth.

§ 8. The city clerk shall hold his office at the pleasure of the city council, and shall receive such compensation for his services as the city council may allow him, not to exceed one hundred dollars per annum.

ARTICLE VIII.

§ 1. No person shall be eligible to the office of city marshal who is not at the time of his election or appointment a qualified voter of the city. He shall hold his office for the term of two years, or at the pleasure of the council, and until his successor is elected or appointed and qualified.

§ 2. He shall, before entering upon the duties of his office, take the oath of office hereinbefore prescribed, and execute bond payable to the city of Richmond, with security, in a sum not less than one thousand dollars, to be approved by the city council, conditioned that he will well and faithfully perform the duties of his office, and will pay over and account for all money collected by him upon *capias pro fines*, or otherwise on penal proceedings as marshal to the city treasurer within ten days after collected, and upon payment to the city treasurer he shall take receipt for same, and make report of acts in relation to the payment and receipt to the city council at their next subsequent meeting ; and in all matters relating to his office he shall be

governed by the laws and ordinances of said city, the city council, and the provisions of this charter.

§ 3. It shall be the duty of the marshal to serve all processes, precepts, and notices, and also to execute and levy all executions to him directed from the police judge, and make all due return thereof; to collect all executions and other demands which may be put into his hands to collect, and account for and pay over same to whoever may be legally entitled thereto, under the same rules and regulations required by law of sheriffs and constables in the service of like process, and in the collections of executions and other demands; and for a failure to discharge any of the duties required of him, he and his securities shall be subject to the same proceedings which may be against sheriffs and constables and their securities in similar cases, and to the payment of the same damages for non-performance of his duties to which sheriffs and constables and their securities are liable in like cases.

§ 4. He shall serve and execute all orders and notices issued or made by the city council, and shall, together with his securities, be responsible for any and all neglect, misconduct, malfeasance, or other default.

§ 5. He shall be entitled to the same fees and per cent. for collecting penalties and forfeitures, and all services on peace warrants, executions, replevin bonds, and warrants for all infractions of the general laws and ordinances of the city, as sheriffs and constables are in like cases, where it is not otherwise provided for in this act or the order of the city council: *Provided*, The city council may provide for the payment of a fixed annual or monthly salary to the marshal; and if this be done, then all the fees taxed and herein allowed to the marshal as his costs shall be paid into the city treasury, and accrue wholly to the benefit of said city: *Provided further*, That the said council shall not have the right to the per cent. and costs for the marshal's services in civil cases.

§ 6. The marshal is authorized to take replevin bonds on all executions in which replevin is allowed by law, and make the same payable in three months to the plaintiff in the execution, and shall have full power to take bonds,

and shall be invested with all the power and authority which is given constables as peace officers, in all cases cognizable before the police judge.

§ 7. It shall be the duty of the city marshal to patrol the city at least once every twenty-four hours, and to be constantly on the streets of said city, and to report to the city council and police judge any violation of the by-laws or ordinances of said city which may come to his knowledge, or of which he receives information; to prevent all offenses against the by-laws and ordinances, and to arrest offenders; and he may have the power of the city and county to assist him in the performance of his duties, and may orally summon as many persons as he deems necessary to aid in making arrests; and all persons failing, without reasonable excuse, to obey the summons, shall be guilty of a misdemeanor, and be punished by fine not to exceed one hundred dollars, and imprisonment not exceeding thirty days, or either, to be recovered by warrant in the police court.

§ 8. The marshal shall have full power to arrest without warrant, when the offense is committed in his presence, and to execute any process, precept, or notice issued from the police court; and in the service of same, and execution thereof, shall be governed, regulated, and controlled in the same manner as sheriffs and constables are under the general laws of the State, unless otherwise provided for in this act.

ARTICLE IX.

§ 1. No person shall be eligible to the office of city treasurer who is not at the time of his election or appointment a qualified voter of the city. He shall hold his office for the term of two years, or at the pleasure of the city council, and until his successor is elected or appointed and qualified.

§ 2. He shall, before entering upon the duties of his office, take the oath of office hereinbefore prescribed, and execute bond, payable to the city of Richmond, with security, in the sum of not less than ten thousand dollars, to be approved by the city council, conditioned that he will well and faithfully perform the duties of his office, and will pay out on warrants properly drawn on him, to whomsoever is named

therein, and account for all moneys collected by him from any sources, persons, or parties whatsoever; and the sureties on such bond shall be responsible for the amount of the moneys of the city which will come into the treasurer's hands during his term of office.

§ 3. He shall be the custodian of the city funds, and shall keep a true and faithful itemized account of all the money received and paid out by him, and shall render an account of the same to the city council, at the expiration of each three months of the fiscal year, and at such other times as the council may direct.

§ 4. Upon the expiration of his term of office, or his resignation or removal from office, the treasurer shall deliver to his successor, or to such person as the city council may direct, all the moneys of the city, books, property, or effects under his control belonging to the city of Richmond.

§ 5. The city council shall have power at any time to require the treasurer to execute a new bond, or give additional security, and upon his failure to do so when required, the office may, by ordinance of the council, be declared vacant.

§ 6. The city treasurer shall keep a correct set of books, in which he shall keep a true and accurate statement of all moneys of the city raised, collected, or received by taxes, licenses, penalties, or otherwise paid into the treasury; and the same shall be done by all officers, even when the city may be owing them; and no money shall be drawn from the treasury, except by the authority of the city council, by warrant drawn on the treasurer, signed by the mayor and countersigned by the city clerk.

§ 7. The city treasurer shall furnish to the city clerk a statement of his accounts at the end of each fiscal year for publication as herein directed, and always keep his books open for the inspection of the city council, or any person directly or indirectly interested in entries made therein; and on failure to expose, when required, may be punished by fine, to be fixed by ordinance of the council.

§ 8. The city treasurer shall receive such compensation for his services as the city council may allow him, not to exceed one hundred dollars per annum.

ARTICLE X.

§ 1. No person shall be eligible to the office of city assessor who is not, at the time of his election or appointment, a qualified voter of the city of Richmond. He shall hold his office for the term of two years, or at the pleasure of the city council, and until his successor is elected or appointed and qualified; and shall receive such compensation for his services as the city council may allow him, not to exceed one hundred dollars per annum.

§ 2. He shall, before entering upon the duties of his office, take the oath of office hereinbefore prescribed, and prescribed for county assessors, section two, article five, chapter ninety-two, General Statutes; and execute bond payable to the city of Richmond, with security in the sum of not less than one thousand dollars, to be approved by the city council, conditioned that he will well and faithfully assess all the property and tithables of the city, and faithfully perform the duties of his office as herein prescribed; and he shall be controlled in his duties, in the assessment of persons and property of the city, by the laws of the State prescribing the duties of county assessors, and by such regulations as may be prescribed by the ordinance of the city council.

§ 3. No person shall be eligible to the office of collector of taxes unless, at the time of his election or appointment, he be a qualified voter of the city of Richmond; and before entering upon the duties of his office he shall take the oath of office herein prescribed, and execute bond payable to the city of Richmond, with security in the sum of five thousand dollars, to be approved by the city council, conditioned that he will well and faithfully perform the duties of his office, and will account for and pay over to the treasurer of the city, at the end of each week, all moneys collected by him by virtue of his office from any sources, persons, or parties whatever; and the sureties on such bond shall be responsible for the amount of the moneys of the city which will come into the collector's hands during his term of office.

§ 4. The collector shall, after the assessor's books are placed in his hands, proceed without unreasonable delay to collect all the taxes for the year, and keep an account of the different kinds of taxes collected, and from whom collected, separately, pay them over to the treasurer and take his receipt therefor, specifying the different kind of taxes paid, and by whom paid; and the treasurer thus receiving said taxes shall enter them on his book, having provided for that purpose in the same way.

§ 5. The city collector of taxes shall hold his office for the term of two years, or at the pleasure of the city council, and until his successor is elected or appointed and qualified, and may at any time be required by the city council to give a new bond or additional security; and upon the expiration of his term of office, or his resignation or removal from office, he shall deliver to his successor, or to such person as the city council may direct, all the moneys, books, property, or effects under his control belonging to the city of Richmond.

§ 6. The city collector shall receive such compensation for his services as the city council may fix, not to exceed _____ dollars per annum.

§ 7. An annual tax of not exceeding fifty cents upon each one hundred dollars' in value of the real and personal property herein directed to be assessed for taxation, due and payable the fiscal year assessed, shall be paid by the owner or person assessed in said city; and an annual poll-tax of not exceeding one dollar shall be levied and collected of each male inhabitant of said city over twenty-one years of age; and the rate of taxation for each fiscal year shall be fixed by the city council as soon as the assessor has returned his lists and tax-books, and the same shall have been examined by the board of supervisors.

§ 8. The city council shall have a lien for all taxes levied under this charter on the real property assessed, which shall not be defeated by gift, sale, alienation, or any means whatever; and all property not exempt from taxation under the general laws of this State shall be subject to taxation as herein mentioned for city purposes; and all property so

assessed shall be liable to be sold, or enough thereof to pay the same and costs of sale

§ 9. The following property shall be subject to a uniform rate of assessment and taxation for municipal and local purposes in the city of Richmond:

First. All real estate situated within the corporate limits of said city, or any interest therein, including life estates and leases for a term having two years or more to run; but the residences, yards, and gardens of all persons included in said boundary shall be subject to taxation: *Provided*, That if said residences, yards, and gardens contain more than three acres, and are attached to and form a part of the farm of the owner or owners, then not more than three acres, including the residence, shall be subject to city tax; nor shall any live stock kept for grazing, breeding from, and cultivating farming lands within the limits of said city, be taxed.

Second. All corporeal personal property, situated in the limits of said city; all money, bonds, notes, accounts, and other choses in action or evidences of debt, wheresoever held, unless taxed elsewhere for municipal purposes, owned on the tenth of January of the year in which the assessment is made, by persons residing in said city, or by any corporation created by the laws of this State, and having its chief office or place of business in said city, subject to a deduction from the amount of said choses in action, money, debts, or demands of the indebtedness which said persons or corporations may owe as principal debtor at the date of tenth of January of said year, and a further deduction of one hundred dollars.

Third. All capital actually employed in any calling, business, or pursuit carried on in the city by persons residing outside of the limits of the city during the current year ending on the tenth day of January of each year; and the city council may levy a tax not exceeding five per cent. on the gross sales of all goods, wares, and merchandise brought to said city by any person for purpose of being sold at auction and actually sold at auction, and may require any person selling or offering to sell goods, wares, and merchandise by sample, to procure a license from said council, for

which such person shall pay not more than two hundred dollars per annum, to be fixed by said council by ordinance: *Provided*, Sales of live stock and sales under judgment of court or process of law shall be exempt from such tax.

§ 10. It shall be the duty of the city assessor to assess the taxable property for each year as of the tenth day of January, and he shall enter upon his duties as soon after the tenth day of January as possible; and it shall be the duty of the city council to provide said assessor with blanks on which to make returns of his assessments, and he shall return said lists completed in book form, alphabetically arranged, to the mayor, for the action of the board of supervisors, on the fifteenth day of April in each year; and he shall keep two separate lists or books, one for the whites and the other for the blacks.

§ 11. The lists and blanks above provided for shall be in substance as follows: The first column shall be for the name of the person or corporation listed; the second shall indicate that the person so listed, if a male, be a minor, or over twenty-one years of age; the third, the number or interest in city lots; the fourth, the street on which they are situated, and the description of same by dimensions; the fifth, the total value of city lots; the sixth, the number of horses, mules, jacks, and jennies kept in the city; the seventh, their total value; the eighth, the value of cattle and hogs (except one cow exempt from taxation); the ninth, the value of wagons, carriages, and wheeled vehicles of every description kept in the city; the tenth, the value of any store or stock in trade; the eleventh, the value of pianos; the twelfth, the value of gold and silver watches, and watches of other metals, and clocks; the thirteenth, the value of gold and silver plate; the fourteenth, the valuation under the equalization law, after exempting one hundred dollars exempt from taxation, and the sixteenth shall show the aggregate value of the real and personal estate subject to taxation. And the assessor shall list for taxation every person or corporation herein made liable to taxation, and make due return thereof, under the appropriate heads, on said blanks, on or before the fifteenth day of April in each year; and the assessor, before taking

each list, shall compel each person to make oath that he has rendered a full, fair, and just statement of all and every species of property belonging to him subject to taxation on the tenth day of January last, or the property of others in his possession to be listed by him for them.

§ 12. The president or other chief officer of corporations shall list their property for taxation; and when the assessor cannot find the person to be listed, he may return the fact, with the best estimate that he can make of his taxable property obtained from other sources, and he shall write in a column provided for that purpose, opposite the name of the party listed, the word, "sworn," when they have been sworn; and for every list not so marked, and not marked "cannot be found," or "refuses to be listed," he shall be charged one dollar, to be deducted from his compensation.

§ 13. All taxes hereafter levied by the city council shall be due and payable at the office of city collector of taxes, on the first day of June of each year. If not paid on or before the first day of November following, ten per cent. thereof shall be added as damages, and collected the same as the taxes. Said damages are for the benefit of the city, and not the collector. The lien herein given for taxes shall apply in the same manner to damages assessed.

§ 14. After the first day of November in each year, it shall be the duty of the collector, after first giving personal notice to the owner of the property, if living in the city limits, to immediately levy all uncollected taxes on the property of those owing the same, and to proceed to enforce the lien aforesaid. After making said levy, the collector shall advertise for at least one month, by successive weekly publications, in one newspaper published in Richmond, a list of all the lots or fractions of lots on which the tax or taxes may be unpaid, and also the amount due and unpaid upon each lot or fraction of lot respectively; each list to include the amount of tax, damages, and one dollar for costs and publication, with full description of same, which advertisement shall also state the day or days on which said lots or fractions of lots, or so much of each, will be sold as may be necessary to discharge and pay off the tax or taxes

due thereon, with damages and costs of publication; and a copy of said list as published, accompanied by the affidavit of the printer that the same has been published agreeably to the provisions of this act, shall be recorded in the clerk's office of the Madison county court, and when so recorded, shall be *prima facie* evidence that said publication was made as prescribed by this act; and an attest copy of the same may be used on trial of any case, and shall have the same force and effect of other attested copies as now authorized by law: *Provided*, That the rate of advertising herein required shall not be greater than charged any other advertiser for like quality of matter.

§ 15. If the tax or ~~taxes~~, damages, and costs thus due and advertised upon the lots or ~~parts~~ of lots, are not paid on or before the time appointed for the sale (~~which~~ shall not be sooner than ten days from the date of the ~~filing~~ of the affidavit of the printer, and copy of lists as published in the clerk's office), it shall be the duty of the collector to expose to sale on the day appointed the said lots or fractions of lots, or so much thereof as may be necessary to pay the taxes, damages, and costs due on the said lots, to the highest bidder, at the court-house door in the said city, and if necessary, for want of bidders or any other cause, he may sell the whole of the property levied on; and if no one will bid the full amount of the taxes, damages, and costs due, then the collector shall bid the same in for the city of Richmond, and it shall have the same title to said property that a private purchaser would have; and after making a sale of realty, the collector shall give the purchaser his certificate of sale, which shall contain a description of the property sold, with the price and date of sale; and to invest the purchaser with title, this certificate shall be recorded in the Madison county clerk's office within sixty days after the date of sale.

§ 16. The collector shall make a report in writing to the Madison county clerk, signed by him, within twenty days after a sale of real estate provided herein, showing when the sale was made, and to whom, and for what price, giving

a description of the land sold, which report shall be recorded by the county clerk in the same manner that reports of sheriffs for sales of lands for taxes are recorded.

§ 17. The owner of real estate so sold, or his agent or personal representative, shall have the right to redeem the same at any time within two years from the day of sale, by paying to the purchaser thereof, or to the county clerk, the amount for which said property was sold, with twenty per cent. damages thereon, and all costs thereon, and all taxes paid by the purchaser, and interest on the whole of said sums at the rate of six per cent. per annum from the day of sale; and when payment shall have been so made, the purchaser or county clerk shall enter in the record-book, on the margin thereof, next to the certificate, the fact of such payment, and such entry shall be a full release of any lien or encumbrance by reason thereof.

§ 18. If the property sold for taxes, as herein authorized, be not redeemed in the time and manner herein required, it shall be the duty of the city attorney to prepare, and the collector in office to execute, a deed therefor to the purchaser, which shall convey the full legal and equitable title thereto.

§ 19. Any person holding any deed to lands executed by the collector for the non-payment of taxes, may commence a suit in the circuit court of the county of Madison to quiet his title thereto, without taking possession of such lands; and all persons who have, or claim to have, or appear of record in the county where such land is situated to have, any interest in such land, shall be made defendants in such suit; and no outstanding unrecorded deed, mortgage, or claim shall be of any effect as against the title or right of the complainant as fixed and declared by the decree made in such cause; and if, upon hearing of such cause, it shall appear that the complainant's title was invalid for any cause not enumerated in the foregoing sections of this act, such suit shall not be dismissed by the court; but the court shall ascertain the amount due to the complainant for the principal and interest, to be computed at twenty per cent. per annum, and shall decree the payment thereof within a reasonable

time by the owner of such land; in default thereof, shall direct that such land be sold therefor, and that the equity and right of redemption of all defendants in such suit, and all persons claiming under them, shall be forever barred: *Provided*, That the proceedings in such cases shall be conducted in the same manner, as near as may be, in conformity with the practice in case of foreclosure of mortgages.

§ 20. Nothing herein shall be construed to prevent the collector from levying the taxes at any time after the tax-books come to his hands, and after demand on the person owing the tax, on the personal property of the delinquent; and if the same shall not be sufficient to satisfy said taxes, with damages and costs of sale, the balance so due and unpaid shall be enforced on the real property of the delinquent, and the collector shall have the same right and power to garnishee for taxes as sheriffs have; and in such matters and sales of personal property of delinquents he shall proceed in the same manner as sheriffs are required to proceed.

§ 21. Any minor, married woman, or other person laboring under disability, shall have two years after the removal of the disability in which to make the redemption provided for herein; but the committee, or the next friend of a person of unsound mind, shall be allowed only five years from the day of sale, or two years after notice, in writing, by the purchaser, to redeem the same, though the disability continue longer, which notice, with indorsement served, shall be recorded in the Madison county clerk's office.

§ 22. In addition to the tax of not exceeding fifty cents on the one hundred dollars' worth of property in said city as herein provided for, the city council may cause to be levied a tax of ten cents upon each one hundred dollars in value of the real and personal estate directed to be assessed for taxation, due and payable the fiscal year assessed, to be paid by the owner or person assessed in said city. The fund created by said tax of ten cents shall be set apart for the purpose of providing a fund for extending and improving the water-supplies of said city, and to provide means for the extinguishment of fires occurring within the limits of said city, and shall be used for that purpose only. Any member of

the council voting to misappropriate to any other purpose than those specified, shall be liable to indictment, and be punished by a fine not exceeding five hundred dollars, or imprisonment in county jail not exceeding six months, or both, in the discretion of the jury trying the charge.

ARTICLE XI.

§ 1. The police judge shall, ten days before every city election, cause public notices under his signature to be given of same, either by publication in a newspaper published in Richmond or by written notices posted on the court-house door, and shall, five days before said election, appoint suitable persons as officers of the election, two persons as judges, one as sheriff, and one as clerk of the election in each ward; and all officers of all city elections under this act shall be governed in all matters not provided for in this charter by the election laws of the State, and be liable to penalties imposed by the laws of the State governing election of State officers, with the same fees to be paid by the city.

§ 2. All elections under this charter shall be *viva voce*, and shall be held between the hours of seven o'clock in the morning and six o'clock in the evening; and the first general election shall be held on the first Saturday in June, eighteen hundred and eighty-four, at which time all city officers directed by this charter to be elected by the qualified voters shall be elected; and every second year thereafter on the first Saturday in June, an election shall take place by the qualified voters of the city for the election of said city officers.

§ 3. No person shall be entitled to vote at any city election who is not a male citizen of the United States and twenty-one years of age, and who has not resided for one year in said city and thirty days in the ward in which he offers to vote next preceding the election at which he offers to vote; and all laws in force in this Commonwealth punishing illegal voting at the State elections shall apply to illegal voting in the city of Richmond for all city officers, subject

to all the qualifications of this act touching the qualifications of the voter.

§ 4. The poll-books of all elections for city officers shall be signed by the officers of the election, countersigned by the clerk of the election, and by said clerk returned to the clerk of the city, who shall keep them on file. The mayor and two councilmen, not candidates, selected by him, shall constitute a board to examine and compare the poll-books of each ward, and issue certificates of election to the persons entitled thereto. Said board shall have the same powers and perform similar duties as are enjoined by the laws of this State upon the board to compare poll-books in elections for county officers, and receive same compensation. If the mayor be a candidate, then the county clerk shall perform his duties; and if the mayor and more than two councilmen be candidates, then the county judge, clerk, and sheriff of Madison county shall constitute said board. The city council shall judge of the qualifications, elections, and return of its members; and all cases of contested elections shall be heard and determined by the said council under such rules as may be prescribed by ordinance: *Provided*, The member or members of said council whose office may be in contest, shall not vote or act in the matters relating to the contest affecting himself.

§ 5. The term of office of all officers elected by the qualified voters of said city shall begin on the first Monday in June after their election; and they shall enter upon the discharge of their duties after the commencement of their term as soon as they are qualified. The term of office of all officers elected or appointed by the city council shall commence upon their said election or appointment, and they shall enter upon the discharge of their duties as soon thereafter as they are qualified so to do under the provisions of this charter.

ARTICLE XII.

§ 1. Whenever the city council of the city of Richmond desire to exercise the powers hereinbefore given to alter, widen, straighten, extend, or open and lay off new and additional streets, alleys, lanes or avenues, or condemn land

or property for municipal purposes, and shall be unable to contract with the owner of any land or material necessary for its use for the purchase thereof, they shall file in the office of the clerk of the Madison county court a particular description of the land and material sought to be condemned, and may apply to the Madison county court to appoint commissioners to assess the damages the owner or owners thereof may be entitled to receive, and thereupon the said court shall appoint three impartial housekeepers of the city, who shall be sworn to faithfully and impartially discharge their duties under this article.

§ 2. It shall be the duty of said commissioners to view the land and material, and to award to the owner or owners the value of the land or material taken, which shall be stated separately; and they shall also award the damages, if any, resulting to the adjacent lands of the owner, considering the purposes for which it is taken; but shall deduct from such incidental damages the value, if any, of the advantages and benefits that will accrue to such adjacent lands from the construction of said improvements proposed to be constructed and made. They shall return a report, in writing, to the office of the clerk of said court, stating their award; and shall describe in their report the land and material condemned, give the names of the owners, and whether non-residents of the State, infants, of unsound mind, or married women.

§ 3. Upon the application of said council, and upon filing such affidavits as may be necessary, the clerk of said court shall issue process against the owners to show cause why the said report shall not be confirmed; and shall make such orders to non-residents as are required by the Civil Code of Practice in actions against them in the circuit court.

§ 4. At the first regular term of the county court, after the owners shall have been summoned the length of time prescribed by the Civil Code of Practice before an answer is required, it shall be the duty of the court to examine said report; and if it shall appear to be in conformity to this act, and to the extent that no exceptions have been filed

thereto by either party, it shall confirm said report as against the owners not excepting.

§ 5. When exceptions shall be filed by either party, the court shall forthwith cause a jury to be empaneled to try the issues of fact made by the exceptions. In assessing the damages, the jury shall be governed by the rule prescribed in the second section of this act, and upon the request of either party, may be sent by the court, in charge of the sheriff, to view the land or material. If sufficient cause be not shown for setting aside the verdict, the court shall render judgment in conformity thereto, and shall make such orders as may be proper for the conveyance of the title upon the payment or tender of the damages assessed and costs.

§ 6. Either party may appeal to the circuit court, or other court of similar jurisdiction of the county, within thirty days, and the appeal shall be tried *de novo*.

§ 7. Upon the confirmation of the report of the commissioners by the county court, or the assessment of damages by said court as herein provided, and the payment or tender to the owner or owners of the amount due as shown by the report of the commissioners when confirmed, or as shown by the judgment of the county court when the damages are assessed by said court, and all costs adjudged to the owner, the city council shall be entitled to take possession of said land or materials, and to use and control the same for the purpose for which it was condemned, as fully as if the title had been conveyed to them; but when an appeal shall be taken from the judgment of the county court by the city council, it shall not be entitled to take possession of the land or material condemned, unless it shall execute to the owner or owners a bond, with surety, to be approved by the county court in double the amount of the damages assessed, conditioned to perform the judgment of said court, and of any court to which the case may thereafter be appealed, which bond shall be filed with the papers of the case.

§ 8. The appeal from the county court shall be taken by filing with the clerk of the court to which the appeal lies a

statement of the parties to the appeal, and a transcript of the orders of the county court, and thereupon the said clerk shall certify to the clerk of the county court that said appeal has been filed, and the clerk of the county court shall immediately transfer the original papers to the clerk of the court in which the appeal is pending.

§ 9. The authority guaranteed the city council to license taverns, coffee-houses, and saloons, is subject to the right of the citizens of said city to vote into operation the general law known as the local option law, within the limits of said city, and during the continuance of this, said right shall be suspended; and it shall be the duty of said council, during the existence of said law, to enforce same; and they may prosecute violators of said law in the police court, and recover the penalties of the same for the use of the city.

ARTICLE XIII.

Miscellaneous Provisions.

§ 1. All general laws relating to towns and cities, and not inconsistent with the provisions of this charter, shall apply to the city of Richmond.

§ 2. The city shall be liable to its officers for their fees in cases instituted for a breach of any of its ordinances or by-laws, whether the party accused be acquitted or convicted, unless otherwise provided for herein.

§ 3. Any officer authorized in this act to execute any process requiring or authorizing or allowing bail, shall have the authority to take the bail, except in felonies.

§ 4. Any officer of said city is prohibited from buying, discounting, or dealing in any way in vouchers or claims against said city, under a fine of not less than twenty dollars, and imprisonment not exceeding thirty days. No member of the city council, or officer of the city, shall be or become, directly or indirectly, interested pecuniarily in any contract for work and labor on the streets of said city, or in any contract in which the city is interested, under a penalty of a fine not exceeding one hundred dollars, and imprisonment not exceeding sixty days for each offense.

§ 5. No ordinance of a penal nature shall be passed by the city council without being publicly read at two regular meetings, at the last of which the vote upon the passage of same shall be by yeas and nays, and entered on the record; and all such ordinances shall take effect from and after their passage and publication in some newspaper published in the city of Richmond.

§ 6. The fiscal affairs of said city shall be computed from the first day of June of each year to the first day of June of the following year, and such interim shall be designated the fiscal year.

§ 7. This charter shall go into full effect, and be in full force as a law, on the first Saturday in June, one thousand eight hundred and eighty-four, and thereafter be the charter of the city of Richmond; and all acts heretofore enacted coming in conflict with this act, or any provisions thereof, are hereby repealed.

§ 8. The present board of trustees of Richmond shall continue in office, and exercise the powers conferred by this act upon the mayor and city council, until the city council shall have been elected in June, one thousand eight hundred and eighty-four, and until a majority of the city council shall qualify under this act. It shall be the duty of the board of trustees to appoint for each ward the officers for the election to be held in June, one thousand eight hundred and eighty-four, and to fix the voting place in each ward, of which they shall give notice by publication in one of the city newspapers, and by printed notices posted on the court-house door, and in two places in each ward, at least ten days prior to the election. But the city council may, by similar notice, change the voting place in any ward after the first election held under this charter.

§ 9. The chairman of the present board of trustees, and any two members of the board, not candidates, selected by him, shall constitute a board to compare poll-books at the election for city officers to be held on first Saturday in June, one thousand eight hundred and eighty-four, and issue certificates of election to the persons entitled; or if more than

two of said board are candidates, then the county judge, clerk, and sheriff of Madison county shall perform that duty.

Approved March 28, 1884.

CHAPTER 493.

AN ACT to amend the charter of the Barren River Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section four (4) of the charter of the Barren River Bridge Company, approved seventeenth March, one thousand eight hundred and seventy-six, be, and the same is hereby, amended by adding to said section, after the word "bridge," in the first line of said section, the words "or road or any part thereof."

§ 2. That the capital stock of said Barren River Bridge Company shall be fifty thousand dollars.

§ 3. That the Barren River Bridge Company are hereby authorized to establish and operate a ferry across Barren river on said road until said bridge is completed, upon the same terms and condition now provided by law for the establishment and operation of ferries.

§ 4. This act shall take effect from its passage.

Approved March 28, 1884.

CHAPTER 494.

AN ACT to incorporate the Bowling Green and Gasper River Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That F. G. Cox, A. B. Stephens, W. B. Baker, William Davenport, W. H. Clurry, and F. G. McKoy, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the "Bowling Green and Gasper River Turnpike Company;" and by said name and style shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts and places in

this Commonwealth; and may have and use a common seal, and may alter or change the same at pleasure.

§ 2. The said company is hereby authorized and empowered to construct a turnpike, macadamized, or gravel road, in its discretion, from the corporate limits of the city of Bowling [Green] on the western boundary thereof, at or anywhere near the property of A. C. Wright, to a point at or near the mouth of Gasper river, to be located on the most practicable route between said points; and in order to raise the funds necessary to construct said road, said company shall have power to raise a sum, by the issue and sale of the capital stock, not to exceed thirty thousand dollars, to be divided into shares of one hundred dollars each.

§ 3. The books for the subscription of stock shall be opened in the city of Bowling Green, and such other places as may be deemed best, under the direction of the persons hereinbefore named, all of whom are hereby made commissioners for the purpose of obtaining the capital stock of said company; they shall insert an obligation in the subscription book as follows: "We whose names are hereunto subscribed severally promise to pay to the Bowling Green and Gasper River Turnpike Company the sum of one hundred dollars for each share of stock in said company set opposite our names, in such manner and proportion, and at such times as shall be required by said company. Witness our hand this — day of —, one thousand eight hundred and eighty —." When the sum of three thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of said commissioners named in this act to give notice, in such manner as they may think proper, of a meeting of the stockholders of said company, at such time and place as may be specified in said notice, for the purpose of electing a board of five directors. One vote shall be allowed for each share of stock, and the directors, when elected, shall choose one of their number president, and may also elect a secretary and treasurer of said company; and the president and directors shall continue in office one year, and until their successors are elected and qualified. The time and place of all elections after the first election shall be fixed by the president and

directors, and a majority of the board shall be competent to transact business.

§ 4 So soon as said company is organized by the election of a president and directors as above provided, they shall be a body politic and corporate, by the name and style above stated, and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and taking and holding, by purchase or gift, all such lands, tenements, and hereditaments, real or personal, as may be necessary for the prosecution of its work or the objects of this corporation.

§ 5. The president of said company may call meetings of the board of directors whenever he may think proper, and on application of any two directors to him; the board of directors shall have power to elect a secretary and treasurer, as aforesaid, and such other officers as may be necessary, and to fill such vacancies as may occur in said board during their term of office. Said board shall require of the treasurer, before he assumes the duties of his office, a bond for the faithful and honest discharge of his duties, and to faithfully account for all moneys that may come into his hands as such treasurer, which bond and security shall be approved by the board. Said board shall keep a record of its proceedings, which shall be signed by the president, and in the absence of its president, the board may elect a president *pro tem*. Said board shall have power to make all necessary by-laws and regulations for the government of said company; and may sue for and recover, in the name of said company, from delinquent stockholders, the amount due and unpaid upon any share or shares of stock in said company.

§ 6. The president and directors shall fix and regulate the elevation and grade of said road, the width and part thereof to be covered with stone or gravel; and may fix the rates of toll, and may change and alter the same at pleasure; but said rates shall not exceed the rates prescribed in chapter one hundred and ten of the General Statutes; and when three consecutive miles of said road shall have been completed, and examined and approved by

any ten justices of the peace of Warren county, who shall examine the same on application of the president of said road, a toll-gate may be erected, and toll collected, under such rules and regulations as shall be prescribed by the president and directors, and under the general law of the State ; but until said road is completed for five consecutive miles, the toll collected shall be in proportion as the length bears to five miles.

§ 7. The president and directors of said company, and their employes, are hereby authorized to take the consent of all persons who may consent to grant the right of way for said road, and the use of materials for building and repairing said road ; and when either the right of way, or any of the materials necessary for the construction of said road, cannot be acquired by consent or purchase at a reasonable rate, said president and directors may apply to the Warren county court for a writ of *ad quod damnum* to assess the damages which may be sustained by the owner of said land or materials ; and the jury, in assessing the damages, after giving the claimant the actual value of the land or materials taken, shall take into consideration the advantages resulting to the party or parties claiming damages, and set the same off against any damage resulting to the inside of the tract by the construction of said road ; and upon the payment of the damages assessed, or the tender thereof, it shall be lawful for the said company and its employes to make said road, and to dig and carry away any stone or other material necessary for the construction or repair of said road ; and said company may acquire by purchase, or by writ of *ad quod damnum*, as above set forth, land, not exceeding five acres, for the purpose of erecting a toll-house on said road ; and said company may procure from the Warren county court the right of way over any road which the said county may control between said termini.

§ 8. The president and directors of said company may make and disclose equitable dividends of the surplus earnings of said company among the stockholders according to their respective shares, after paying the expenses of said company.

§ 9. Certificates of stock in said company shall be signed by the president and countersigned by the secretary, shall be deemed personal property, and shall be transferable on the books of the company in such manner as the president and directors shall prescribe.

§ 10. The capital stock of said company shall be used in the procurement of the rights of way, material, and so forth, and in the construction and management of said road, and in defraying all legitimate expenses incident to the construction and management of said road, and for no other purpose; and the stockholders in said company shall only be bound to the extent of their stock in said road.

§ 11. The Warren county court is hereby authorized and empowered to negotiate and contract with said company for the use by it of the bridge over Jennings creek, and of the approaches thereto.

§ 12. This act shall take effect and be in force from and after its passage.

Approved March 28, 1884.

CHAPTER 495.

AN ACT for the benefit of S. H. Baughman, former sheriff of Lincoln county.

WHEREAS, The Lincoln county court, at its January term, one thousand eight hundred and eighty, by an order entered of record, agreed to pay S. H. Baughman, the then sheriff of Lincoln county, three hundred dollars, in addition to his regular fees, for collecting the taxes for the year one thousand eight hundred and eighty, to be paid out of the county levy; and whereas, the said county court, at its October term, one thousand eight hundred and eighty, allowed the said Baughman the said additional compensation by an order entered of record; and whereas, there has been expressed some doubt, not of the justice and propriety, but of the authority of said court's action; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the order of the Lincoln county court, at its

October term, one thousand eight hundred and eighty, allowing S. H. Baughman, the then sheriff, three hundred dollars as additional compensation for collecting the taxes for that year, is validated, legalized, and regarded as if at the time authorized by the General Assembly of Kentucky and approved by the Governor thereof.

§ 2. This act shall take effect from its passage.

Approved March 28, 1884.

CHAPTER 496.

AN ACT to incorporate the Beattyville and Irvine Telephone Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas Pryse, E. M. Pryse, J. M. Beatty, H. L. Wheeler, M. F. Reed, G. W. Gourley, and Ibzan McGuire, Beattyville, Lee county, Kentucky; and Z. T. Price, W. O. Park, Claude Smith, and Will. Lilly, of Irvine, Estill county, Kentucky, their associates and successors, are hereby created a body corporate and politic, with power to sue and be sued, to plead and be impleaded, to contract and be contracted with, under the name and style of the "Beattyville and Irvine Telephone Company;" and by that name shall have perpetual succession, with power to adopt and use a common seal, to change same at pleasure, and to have all the rights of a natural person laboring under no disability; and to have the privilege of erecting, equipping, maintaining, and operating a telephone line between Beattyville, in Lee county, and Irvine, in Estill county, and such branch lines to and from other points in said counties, or adjoining counties, as the company may deem necessary for telephonic purposes.

§ 2. Said company may acquire rights of way for their main or branch lines in the same manner as now provided by law of this Commonwealth for the acquisition of rights of way by turnpike road companies; and may contract with any person or corporation for supplying them with telephonic instruments; and may contract with any other telephone company or telegraph company for the trans-

mission or receiving messages over its lines to any other point or points.

§ 3. Any two of the corporators above named may act as commissioners to open books and receive subscriptions for the purpose aforesaid, and to issue certificates of stock; and when twenty (20) shares shall have been *bona fide* taken and subscribed for, shall call a meeting and organize by electing a president and four other stockholders, who shall constitute a board of directors.

§ 4. Said board shall continue in office one year, and until their successors shall be elected and qualified at a meeting of the stockholders to be held annually for that purpose, on the first Monday in June in each year, in Beattyville, at such place in said town as the board may direct, of which due notice shall be given to the stockholders.

§ 5. The board of directors shall have power to appoint [a] secretary and treasurer, and such other agents as may be deemed necessary for the interest of the company, and may pay them such compensation as they may think reasonable; and shall require bond, with good security, from secretary and treasurer, or others holding the funds of the company, to fully secure the same. Said company may acquire and hold all property, real or personal, necessary to enable it to carry out the provisions of this act or the business contemplated; and by its board of directors said company may make all by-laws, rules and regulations, to carry out its affairs, not inconsistent with the Constitution and laws of this State or of the United States.

§ 6. The capital stock of the company shall not be less than two hundred (\$200) dollars nor more than five thousand (\$5,000) dollars, divided into shares of ten (\$10) dollars each.

§ 7. In no case shall the private property of the stockholders be liable for the debts of the company.

§ 8. That each stockholder in said company shall be entitled to one (1) vote for every paid-up share held and owned by him; may cast said vote in person or proxy; but no stockholder shall have or cast more than (20) twenty votes at any

election or on any proposition, no matter how many shares he may own.

§ 9. Said shares shall be held as personalty, and assignable only in the manner prescribed by the by-laws of said company. The corporators above named, or the majority of the same, shall have all the power and authority of directors until their successors are elected and qualified.

§ 10. If any person or persons shall willfully and maliciously injure or obstruct or destroy any of the property of said company, he shall be confined in the county jail not less than three nor more than twelve months.

§ 11. This act shall take effect from and after its passage.

Approved March 28, 1884.

CHAPTER 497.

AN ACT to authorize the President and Faculty of Van Horn Institute to confer learned degrees.

WHEREAS, G. W. Van Horn has built Van Horn Institute, at Slaughterville, Webster county, Kentucky, and has devoted several thousand dollars to school purposes, and established a school of worth and reputation in the community and section of the State where located, and at which many gentlemen and ladies have been educated, and are now occupying honorable positions in society; and whereas, said G. W. Van Horn and others are desirous that the president, with the concurrence of the other members of the faculty of said Van Horn Institute, shall have the power granted by legislative sanction to confer the degrees, honors, and titles usually conferred by the literary institutions of this Commonwealth; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president of Van Horn Institute, with the concurrence of the other members of the faculty, shall have the power to grant the diplomas, degrees, titles, and honors which are usually granted by the literary institutions of this Commonwealth.

§ 2. This act shall take effect from its passage.

Approved March 28, 1884.

CHAPTER 498.

AN ACT to provide for the payments of debts contracted in building and furnishing a school-house and for maintaining a school in district number one, in Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be levied and collected, annually, a tax of fifty cents on each one hundred dollars' worth of property, real and personal, and a poll-tax from each male over twenty-one years old, in common school district number one, in Pendleton county, the proceeds of which shall be applied by school trustees of said district as follows: First, to the payment of debts contracted (including bonds issued) in buying a lot and building and furnishing the school-house thereon in said district; second, to the maintenance and support of the school in said district.

§ 2. That the board of trustees shall appoint an assessor to assess said property and report a list of the names of tithables in said district, who shall perform his duties as directed by said board, and his work shall be subject to the supervision and approval of said board; and a list of the names of all persons owing any of said taxes, together with the character and amount thereof owing by each, certified by said board, shall be delivered to the sheriff of said county for collection, as soon after the first day of June of each year as practicable, who shall collect the same as he is authorized and directed to collect other taxes, and pay the proceeds of such collection every sixty days to the treasurer of said board, or as directed by said board.

§ 3. That the property mentioned shall be assessed as of the tenth day of January each year, and the valuation put on such property by the county assessor for said county may be adopted by said board and its assessor when practicable.

§ 4. That in case any farm shall be divided by any boundary line of said district, the same, together with the personal property of the owner or occupant situate thereon, shall be assessed and taxed as provided in this act, if the homestead of such owner or occupant be situate within said district.

§ 5. That the sheriff and his sureties on his county levy bond shall be bound for the prompt and faithful collection of said taxes and the payment of the same, or the proceeds thereof, to said board or to its order; and said board of trustees may sue on said bond from time to time, and recover any sum due from such sheriff on account of the collection of said taxes, or damages for failure to collect the same, or to perform any duty imposed by this act.

§ 6 That said board of trustees may list for collection any of said taxes owing by non-residents of Pendleton county with the sheriff of the county of any such non-resident's home, or other collecting officer of such county, whose duty it shall be to collect the same, and pay over the proceeds of same to the treasurer of said board, or to the order of the board; and they may re-list for collection with any collecting officer of Pendleton county any of said taxes that may be delinquent or unpaid, or may sell the same to the highest bidder, after advertising the time and place of such sale for ten days previous thereto.

§ 7. That said board of trustees shall appoint a treasurer, whose duty it shall be to receive, keep, and pay out, on the order of said board, all the money under the control of said board, including the proceeds of taxes levied by authority of this act; he shall execute bond to said board, with sureties to be approved by them, conditioned to receive, safely keep, account for, and pay out as ordered by said board, all moneys which may come into his possession as contemplated by this act; on which bond said board may sue from time to time for any breach thereof.

§ 8. That said board of trustees may appoint a collector to collect said taxes, if they deem proper, taking from him a bond, with good surety, conditioned for the faithful performance of his duties; and such collector, when so appointed and qualified, shall have all the powers that sheriffs have under this act to collect said taxes, and shall collect them in the same manner that sheriffs may by law collect State revenue, county levy, and other public dues.

§ 9. That if, in the judgment of said board, it may be deemed inadvisable or unnecessary, in any year, to collect

the whole of the taxes levied by virtue of this act, they may make an order directing that a part only (specifying the part) shall be collected for such year, and furnish the collecting officer an authenticated copy of said order, when it shall be his duty to collect only so much and such part of said taxes as are specified in said order.

§ 10. That it shall be the duty of said board to keep an accurate and detailed statement or record of all their acts, and an account of all collections and disbursements of money, the proceeds of the levies authorized by this act.

§ 11. Said board of trustees may appoint a clerk or secretary for the board, whose duty it shall be to keep a true record of the proceedings of the board in a book to be furnished him for the purpose; and the offices of secretary and treasurer may be filled by the same person, and said board shall have authority to pay to the collector, treasurer, and secretary suitable and reasonable compensation for their services, for which wages the board shall have credit in their settlement.

§ 12. As rapidly as the bonds are redeemed, they shall be destroyed by the board, and a record of such destruction, describing the bonds so destroyed, shall be made in the record book of the board, and signed by the chairman of the board, and countersigned by the secretary.

§ 13. It shall be the duty of the board to have published annually, in some newspaper published in Pendleton county, a complete statement, verified by the affidavits of the secretary and chairman of the board, of the collections and disbursements of moneys collected under authority of this act for the current year, which publication shall be made between the fifteenth and thirtieth of June.

§ 14. That the levy and collection of the taxes authorized by this act shall not be in addition to a tax voted on said district in one thousand eight hundred and eighty-one, but shall be in lieu thereof; but this act shall not be construed to interfere with or suspend the collection of any uncollected tax heretofore levied by authority of the vote of one thousand eight hundred and eighty-one, which tax was

twenty-five cents on the one hundred dollars' worth of property.

§ 15. That the trustees shall not be bound, unless they shall deem it expedient, to apply more than sixty per cent. of the net proceeds of taxes collected annually under this act to the payment of debts and bonds mentioned in section first of this act.

§ 16. That the duties imposed hereby on the board of trustees of said district shall be exercised by trustee or trustees as authorized by law in case any change in their number should be made by law, and a concurrence of a majority shall authorize any herein contemplated.

§ 17. This act to take effect from its passage.

Approved March 28, 1884.

CHAPTER 500.

AN ACT to amend the charter of the St. Joseph's Orphan Society, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act, entitled "An act to incorporate the St. Joseph's Orphan Society, of Louisville," approved December second, one thousand eight hundred and fifty-one, and the act amending the same, approved March seventh, one thousand eight hundred and sixty-eight, be, and they are hereby, amended as follows, viz:

§ 1. The name of said society is hereby changed so as to be the St. Joseph's German Roman Catholic Orphan Society, of Louisville, Kentucky; and said society shall have power to convey by said new name, and under a new seal to be adopted by it, any property or estate it may now own.

§ 2. The said corporation shall also have the power to acquire real and personal estate by gift, grant, devise, or bequest.

§ 3. The purchase of real property lately made by said society having increased the amount invested by it in real estate, exclusive of buildings beyond the sum of ten thou-

said dollars, the limit provided by the original charter of said society, said purchase is hereby approved and legalized, and shall be deemed as lawful as if said limitation had not existed at the time of said purchase.

§ 4. The society may acquire and hold real estate, either for the use and accommodation of said society, or for the secure investment of its funds, the value of which, exclusive of the buildings thereon, shall not exceed the sum of fifty thousand dollars.

§ 5. The said corporation shall have power to receive into its custody and under its control male children under twenty-one years of age, and female children under eighteen years of age, who have been or may be abandoned by their parents, and who may, in good faith, be committed to its custody and control by two good citizens of this Commonwealth, with the approval of the county court of the county where such child or children may be found; and any child or children so committed shall be and remain in the custody or under the control of said corporation until, as to male children, they shall attain the age of twenty-one years; and as to female children, they shall attain the age of eighteen years. The costs which necessarily attend the action of the county court under this section shall be allowed by the county court, and be paid out of the county levy. The said corporation shall also have power to receive into its custody and under its control all male children under twenty-one years of age, and all female children under eighteen years of age, who may be committed to its custody and control by the father, or, in case the father be dead, by the mother, or, in case of the death of both father and mother, by the guardian of such child or children; and any child so received shall continue under the control or in the custody of said corporation until, in the case of males, they shall attain the age of twenty-one years; and in the case of females they shall attain the age of eighteen years. And, as to all children received by said corporation, it shall have all the powers and rights which parents have in maintaining, controlling, and protecting their children, or as guard-

ians have in maintaining, protecting, and controlling their wards.

§ 6. For the purpose of raising funds for the support of orphan and destitute children, and to make more effectual the management of the affairs and objects of the corporation, it is hereby provided that each German Roman Catholic congregation of the city of Louisville may form a branch society with three trustees. The rector of the congregation shall be *ex officio* one of said trustees, and the members of said branch society shall elect, in December, one thousand eight hundred and eighty-four, two members of good standing as the other two, one of whom shall be elected to serve for two years and the other for one year. Thereafter they shall elect annually in December one trustee, who shall serve two years. Each branch society shall be organized and its business and affairs managed as may be prescribed by the corporation in its by-laws, its present officers to serve until their successors in office are elected and have qualified.

§ 7. The business affairs and management of the corporation shall be under the direction, control, and management of a board of trustees, to be constituted as follows, to-wit: The Roman Catholic Bishop of Louisville, and his successors in office, *ex officio*, shall be a member of said board, and shall have supervisory powers over the proceedings and acts of said board, and may approve or nullify the same at his discretion, and may appoint from the rectors, who are members of this board, one as his representative, and may delegate to him the same powers vested in him by virtue of sections seven, eight, and nine of this charter. The members of the branch societies shall elect annually, on such day in the month of December as the by-laws may prescribe, a president, a vice-president, a treasurer, and two secretaries, to be known as the "central officers," and who, together with the trustees selected as provided in section six, shall constitute the other members of said board, whose powers and duties shall be prescribed by the by-laws of the corporation. The present board of trustees shall hold

their offices until their successors in office are duly elected and have qualified.

§ 8. The board of trustees may adopt any by-laws not inconsistent with the laws and Constitution of this State and the Constitution of the United States; but no by-law shall be passed, changed, or abrogated without the approval of the bishop aforesaid.

§ 9. It shall be the duty of the board of trustees to appoint annually, with the approval of the bishop aforesaid, a standing committee of three of its members, to be styled the "committee of admission and control." It shall be the duty of said committee to receive, discharge, apprentice, or bind out, in their discretion, any or all children committed to the custody and control of the corporation: *Provided, however,* That said committee shall at all times be under the control of the board, and may be removed at the pleasure of said board: *And provided furthermore,* That said committee shall not bind out or apprentice any child except to a person of unexceptionable character, and shall in every case retain the right and power to rescind any contract of binding out or apprenticeship, when they or the board of trustees shall determine that the employer of the child has failed to fulfill his or her contract obligations, or mistreated the child committed to his or her care. The said committee shall perform such other duties as may be prescribed in the by-laws.

§ 10. All acts and parts of acts in conflict with this act are hereby repealed.

§ 11. This act shall take effect and be in force from and after its passage.

Approved March 28, 1884.

CHAPTER 502.

AN ACT to amend the charter of the town of Mortonville, in Woodford county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to establish the town of Mortonville, in Woodford county," approved February

twenty-eighth, one thousand eight hundred and thirty-five, be, and the same is hereby, amended as follows, viz: The corporate limits and boundary of the said town of Mortonsville, in Woodford county, Kentucky, shall hereafter include all persons, lands, buildings, and property within the circumference of a circle, the center of which is the wooden bridge spanning the creek which flows through the present corporate limits of said town; the diameter of said circle being six hundred and sixty yards.

§ 2. The regular election for trustees of said town shall be held on the first Monday in January in each year; and the trustees so elected shall serve for one year, and until their successors shall be duly chosen. If for any cause such election is not held, an election for trustees may be subsequently held, at such time as the board then in office may direct, ten days' notice in writing of such election having been given by posting the same in at least two public places in said town. Said trustees shall be elected by the male citizens who have resided in said town for sixty days prior to such election. The board of trustees shall consist of five citizens of said town, one of whom may be elected as chairman thereof.

§ 3. All vacancies in the board of trustees shall be filled by the remaining members of said board.

§ 4. A police judge and town marshal shall also be elected for said town at the time of the election of trustees thereof. The police judge shall have power and authority to issue process, and to hear and try all offenses against the ordinances of said town; and also to hear and punish for all breaches of the peace committed within the corporate limits of said town. He shall hold his office for the same length of time as the trustees of said town. The marshal shall also be elected at the same [time] the said trustees of said town are elected; and he shall also have authority and power to execute all the process issuing from the police court, which is hereby established for said town.

§ 5. For the privilege of retailing spirituous or malt liquors in said town, the sum of one hundred and fifty dollars shall be paid to the trustees thereof, who are author-

ized hereby to issue licenses for that purpose; but the licenses so granted shall not exempt the persons holding the same from a compliance with the laws of this State now in force in reference to retailing spirituous or other liquors. No one shall retail spirituous or malt liquors, within the corporate limits of said town, before procuring such license therefor; and for a violation of this act a fine of five hundred dollars shall be imposed; and each and every sale of such spirits, before taking out such license, shall be held, and is hereby declared to be, a separate offense.

§ 6. The police judge shall be allowed by the trustees a salary, to be fixed by the board, and also such fees for all process issued by him as is allowed to justices of the peace for similar services and process issued by them. The marshal shall also be paid such salary as the board of trustees may agree upon with him, and for serving and executing all process issued from the police court of Mortonsville, he shall be allowed to charge and collect such fees as are allowed constables for similar services by the laws of this Commonwealth; the fees hereby allowed the said police judge and marshal be paid by and collected of the offenders and person named in the process issued and executed aforesaid.

§ 7. Said board of trustees are hereby authorized to pass all such laws and ordinances necessary for the good government of said town of Mortonsville, and to do all acts for the regulation and good government of said town as may seem proper to them, not inconsistent with the laws of this State or of the United States.

§ 8 That the trustees of said town now in office shall remain in office until their successors are duly elected under this act.

§ 9. J. P. Wilson, of the said town of Mortonsville, is hereby appointed police judge of said town, until his successor is duly elected under this act; and D. C. Atkins, of said town, is appointed marshal thereof until his successor shall be duly elected under this act.

§ 10. This act shall take effect and be in force from and after its passage.

Approved March 28, 1884.

CHAPTER 503.

AN ACT for the benefit of J. E. Edwards, assessor of Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. E. Edwards, assessor of Trigg county, shall have further time until the first day of June, one thousand eight hundred and eighty-four, to complete the list of taxable property in said county and return his tax book to the county clerk of said county.

§ 2. This act shall take effect from its passage.

Approved March 28, 1884.

CHAPTER 504.

AN ACT to incorporate the Laboring Men's Building and Loan Association of Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Solomon Blackburn, J. B. Aken, W. L. Taylor, J. C. Jackson, Wm. Wright, W. H. Spears, Alfred Ramey, Archy Colwell, A. W. Redd, H. J. Jackson, R. E. Hathaway, and Henry Scroggins, be, and they are hereby, constituted a body-corporate, under the name and style of the Laboring Men's Loan and Building Association of Lexington, Kentucky; and by that name may sue and be sued, plead and be impleaded; shall have succession, and have a common seal, and alter and charge the same at pleasure; may acquire and hold real and personal estate, and sell and convey the same, and shall possess such other powers as are consistent with the objects of this association.

§ 2. The management of this association shall be vested in a board of twelve directors, elected annually by the stockholders. The directors shall meet and elect from their number a president, vice-president, treasurer, and secretary, and a solicitor, who may not be a director; and until the general election of officers to be provided for in the by-laws, Solomon Blackburn shall be president, John B. Aken vice president, Wm. L. Taylor treasurer, Henry Scroggins secretary, and D. G. Falconer solicitor, and the other corporators

above named shall be directors. In all elections and transactions of other business, each member present shall be entitled to one vote for every share owned: *Provided*, That women and infant members may vote by proxy, married women and infants by their husbands and guardians; other women by any member of the association selected by them in writing to so act for them.

§ 3. The capital stock of said association shall be one hundred and fifty thousand dollars, to be divided into shares of one hundred and fifty dollars each, and to be paid by the stockholders in weekly installments of fifty cents each week for each share of stock, until said installments, with their net accumulations, shall amount to said sum of one hundred and fifty dollars for each share, or at the expiration of six years from the date of the payment of the first installment, whether said shares shall have amounted to said sum or not, there shall be a distribution thereof to the stockholders, and a liquidation of its affairs, and after that its corporate powers and existence shall continue for the purpose of settling up its business and affairs.

§ 4. The corporation shall open books for the subscription of said stock, and may adopt, so far as has progressed, the subscription already made in anticipation of this act; and whenever two hundred shares be subscribed, said association may go into operation. Other shares may be subsequently subscribed until the whole amount of stock is taken, the subscribers thereto being required to pay the back installments corresponding with those paid by the original subscribers, with interest thereon at such rate as the association may provide in its by-laws: *Provided*, That no stockholder shall acquire or hold at any time more than twenty shares of said stock. Said stock shall be transferable on the books of said association as may be provided by its by-laws.

§ 5. The object of said association being to enable its members by their savings and accumulations to acquire homes and other property, its business shall be to loan its capital stock as paid in, and the accumulations thereof, only upon mortgages and liens upon real estate and personal property, and upon approved collaterals, ample in amount

to secure the same. In making loans, preference in all cases must be given to members of the association; and said loans shall be made at the rate of six per cent. interest per annum.

§ 6. In addition to the mortgage, lien, or other security which may be given by a stockholder to secure any loan which may be made, or any indebtedness which may be created, a prior lien is hereby given to said association upon the interest and stock of such share-holder in said association to secure the association in said loan or indebtedness.

§ 7. As soon as practicable after the association is ready to go into operation as provided in section four of this act, the corporation shall call a meeting of the stockholders, giving reasonable notice of time and place for such meeting, for the adoption of by-laws and fixing the date for the election of directors, which shall be annually, such directors to serve for one year, and until their successors are elected and enter upon the discharge of their respective duties; and until the first annual election, the officers named in this act shall continue in office. Said stockholders shall have authority to pass and make any by-laws for the government of said corporation not inconsistent with this charter or the laws or the Constitution of this State or the United States.

§ 8. Said corporation may provide in its by-laws what penalties shall attach for failure to pay the installments of stock at the times fixed therefor, and shall have full power to enforce such penalties, whether the same shall be fine or forfeiture of such shares. It may also provide upon what terms members desiring to withdraw shall do so; it may also direct what officers shall execute bonds with security for the faithful performance of their duties, and the amount of penalties in said bonds; and said bonds, when executed, shall be fully binding upon the obligators thereto; and it may require the payment in advance, annually or quarterly, of five cents per week on each share to meet current expenses.

§ 9. The officers and directors may adopt any rules for conducting the business of the association not inconsistent

with this act, the by-laws of said association, or the laws of Kentucky or the Constitution aforesaid.

§ 10. Said corporation shall have power to issue and sell or hypothecate its bonds, with coupons attached, for any sum not exceeding the capital stock actually paid up, and make the same payable at such time and place as may be deemed most advisable; but such bonds shall not bear a rate of interest exceeding six per cent. per annum, to be paid annually or semi-annually, as said corporation may direct: *Provided, however,* That no bonds shall be issued without the consent of a majority of the stockholders; but if said association shall issue any bonds under the provision of this act, they shall be liable to the same rate of taxations as other bonds of like character.

§ 11. Inasmuch as the object of this association is to enable persons of limited means to secure homesteads for themselves and families, it is hereby enacted that any accumulations, not exceeding one thousand dollars in amount, of any stockholder, in funds of this association, may be held and regarded as a homestead right, and shall be exempted from seizure or sale under execution, attachment, or judgment of any court, according to the act to exempt from sale for debt, approved February tenth, one thousand eight hundred and sixty-six; but this exemption shall be in lieu of any other homestead exemption, and shall not prevail against the lien held, if any, by this association. The board of directors of said association is authorized to invest, from time to time, any part of the money of the association that may be on hand in excess of the amount required for loans for the time, and the retirement of stocks, in bank stocks or stocks of any kind, or bonds, and may loan any part of such money to stockholders upon the security of their stock in the association as collateral, to secure payment of such loan or loans respectively; and may loan any part of such money to persons not stockholders upon personal security or collaterals, without requiring a mortgage upon real estate.

§ 12. This act shall take effect from and after its passage.

Approved March 28, 1884.

CHAPTER 506.

AN ACT to incorporate the Grassy Flat Drain Company, in Daviess county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. Z. Moore, Wm. M. McCallister, M. G. Wilson, Robert Burch, R. Monarch and Company, W. Shelby, J. W. Peney, C. Moreland, C. S. Phillips, S. J. Bosley, Ed. Bosley, Timothy Bosley, John H. McHenry, Jas. M. Herr, A. Salmon, Rev. W. G. Smith, J. F. Barr, John M. O'Bryan, F. R. Yarbre, W. H. Stevens, John A. Barr, Milton Davidson, Paul Schucker, Geo. W. Conrad, Kate S. Cowan, A. Mattingly, E. Frieleds, Mike Grouse, and other owners of lands within the following boundary, viz: Beginning about one and one-half miles south of the Owensboro and Livermore Road, at the point where the Grouse and Booth Road intersects said road; thence running with said Grouse and Booth Road westwardly to the northwest corner of Fred. Friedman's land; thence a straight line to the southeast corner of Ed. Bosley's land; thence with said Bosley's east line, northwardly, to the south margin of the ridge on which said Bosley's house stands; thence westwardly, following along the foot of said ridge, to the Calhoun Road, in the Old Stowers or Barber land; thence along the Calhoun Road, as it meanders southwardly, to a point in said road where the north line of the John Mussie one hundred and ten acre tract of land crosses said road; thence eastwardly with said north line of Mussie to the northwest corner of the W. H. Stevens land (known as the Wes. Thompson land); thence southwardly with Stevens' west line to his southwest corner; thence eastwardly with Stevens' south line, and also with the south line of Coglan's land, to the southeast corner thereof, in a line of one hundred and fifty acres of land formerly owned by W. H. Leaman, deceased; thence southwardly with the west line thereof to the southwest corner of the same; thence eastwardly with the south line of said one hundred and fifty acre tract to the southeast corner of the same; thence running north eleven and three fourths degrees east with the east line of the one hundred and fifty acres, and

also with the east line of the Thomas Jackson land, the Eliza Fields tract, the Mattingly tract, the Lancaster tract, and the east line of the A. S. Ewell tract, to Ewell's northeast corner, and continuing the same course to the center of the ridge on which James Short's house stands; thence eastwardly with the center of said ridge to the Livermore road; thence northwardly with said road to the place of beginning; and their successors, be, and they are, created a body politic and corporate, under the name and style of the Grassy Flat Draining Company; and by that name shall have perpetual succession; and by that name may sue and be sued.

§ 2. The business of said corporation shall be to drain and relieve the lands within said boundary of surface water, to make levels, and cut and open such drains within and outside of the said boundary as may be necessary to drain and keep drained the lands within said boundary; they may acquire rights of way for drains, and do all acts necessary and proper to be done in order to make such leading drains through and from said boundary as will lead the water off and from said boundary, and enable the individual landholders to relieve their land from water by leading it to such main drain or drains; but said corporation shall have no power to do more than to provide main drains to carry off the water, leaving individual proprietors to conduct the surface water from their premises into said main ditches at their discretion.

§ 3. The business of said corporation shall be conducted, managed, and executed by five directors, one of whom shall be by a majority of the directors chosen president, and shall be the chief executive officer of the corporation; the five directors shall be elected at the court-house in Owensboro, at any time after three of the incorporators shall have caused notice of the time and place of election to be published in a newspaper of Owensboro, ten days previously, designating the time and place of election; and any three of said corporators may hold said election, and their certificate of election shall be evidence of the election of [said] directors; the board of directors shall keep a book, in which shall be entered their proceedings and acts. In the election of

directors, and other matters voted on by the corporators, each owner of land within the above described boundary shall have one vote for each fifty acres of land, or less, within said boundary, and one vote more for each additional fifty acres of land, or any fraction thereof. After the first election of directors held in one thousand eight hundred and eighty-four, the elections shall be at the court-house in Owensboro, at one o'clock, afternoon, on the first Saturday in May in each year thereafter; and any two of the directors first elected may hold and certify said election. The corporators may vote in person or by proxy, and the directors may fill any vacancy in their own body occurring between annual elections.

§ 4. The president and directors shall have power to assess upon each acre of land within the aforesaid boundary, and against each land-owner holding lands therein, an annual tax, not to exceed fifty cents per acre, for the years one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, and one thousand eight hundred and eighty-six, for the purpose of carrying out the objects and purposes of this act. The assessment for the year one thousand eight hundred and eighty-four shall be made within three months after the first election of directors, and thereafter in the month of April of each year, by an order or resolution entered on the books of the company, stating the amount per acre assessed against each land-holder, and designating when it shall be payable and due, not later than the first day of September of the year in which it shall be assessed; and if any taxes so assessed remain unpaid on the first of September after it has been assessed, the president and directors may appoint some suitable person to collect the unpaid tax, who shall have the same power to levy and collect said taxes by seizing and selling personal property, or the lands within said boundary, as sheriffs have in the collection of the public revenue, and he shall proceed in the same way; and should land be sold by him, he shall report such sales to the clerk of the Daviess county court, who shall enter them in the same book, and in the same way as sales made for public revenue by the sheriff; and the sales

shall be for cash in hand, and unless redeemed within twelve months, the agent selling shall convey to the purchaser. When sales are made, the agent shall charge, sell for, and collect, in addition to the taxes due, ten per cent. commission, and in redeeming any land sold for taxes, the owner of said land shall pay the amount bid by the purchaser, and interest at the rate of ten per cent per annum from the date of the bid until the time of redemption. The company shall have power to bid and purchase lands sold for taxes, and may sell and convey all lands acquired at tax sale.

§ 5. The president and directors shall have power to appoint all subordinate agents necessary and proper for the conduct of its business, and require of them bonds, with such security as will secure a faithful performance of the duties of their office, or the business committed to their charge. They may cause such surveys to be made within the boundary as to ascertain the quantity of land owned therein by each proprietor, and to ascertain the proper locations of drains from said lands within or outside of said boundary; and for these purposes, the agents of said company may enter upon the lands of all persons in order to make such surveys.

§ 6. Each land-owner through whose lands any drain opened by the company may run, within said boundary, shall be bound to keep the same open, cleaned out, and free from obstructions, and upon failure to do so, shall be liable at the suit of the company for the cost of so opening and putting it in repair, and fifty per cent. in addition to the actual cost of so putting in repair, recoverable before any court having jurisdiction of the amount, which recoveries, after paying expenses of suit, shall be used in putting and keeping such ditches in repair; and such recoveries may be had, from time to time, as often as such drains may be found out of repair, obstructed, or filled up. When such drain is on a line between two land-owners, each shall be liable to one-half the above recovery; but in that case either may open the ditch, and recover from the other half the cost of opening it and removing obstructions, and fifty per cent. damages thereon in addition. And as to any main ditches made outside of said boundary to carry off the water, it

shall be the duty of owners of land inside of the boundary to aid in keeping them open, and when notified by the company or its agent that such outside drains need to be opened or repaired, designating a day when he proposes to work it. Each proprietor of land shall furnish a hand to assist in making such repairs for the number of days required in the notice, or pay to said company or agent a sum of money equal to the cost of a hand during the time it may be required to be worked; and upon his failure to work or furnish such hand, or pay to said company the money as herein provided, the company may by suit recover such amount as he ought to have paid, or the value of the labor he ought to have contributed, recoverable in any court of competent jurisdiction.

§ 7. In case the company fail, by consent or contract, to procure any necessary site for their main drains within or outside of the corporate limits of the company, the said corporation may file a petition in the Daviess county court, setting out the parts of the lands deemed necessary for such site, and location of said drain or drains, and the names of the owners of the land on which said drain is designed to be located, describing the land sought to be secured minutely, and making the owners of the land defendants. Whereupon the clerk of said court shall issue a summons as on other petitions, and at the next term of said court, after summons shall have been issued, or before the presiding judge in vacation, after reasonable notice to the owners of said land, it shall be the duty of said judge or court to appoint three land-owners no way interested in the lands within the limits of the company to go upon the premises so sought to be used for drains and report under oath what damages would accrue to such land-owner or owners by taking it for a site for location of said drain, and the necessary excavations taken from the drain, which report shall be in writing; and at the first term of the court after said report is filed, if the court deems the amount of damages reported reasonable (of which the report shall be *prima facie* evidence), the court shall confirm said report; and thereupon the said corporation, upon paying to the land-

owner the amount of damages, or to the clerk of said court the damages, if the land-owner refuse to receive it, the company may proceed to use and occupy the said land, and to cut their drains thereon. Either party may appeal from the judgment of the county court to the circuit court fixing the amount of damages; but no reversal on appeal shall effect the right of the company to occupy the premises, but only the amount to be paid therefor.

§ 8. *Provided*, That this act shall not take effect until the consent of four-fifths (4-5) of those owning the land embraced in the bounds above set forth, in writing, shall be filed in the office of the county clerk of Daviess county, Kentucky; and whenever four-fifths of those owning the said lands in the above-described boundary shall consent to accept this charter, then shall this act be, and the same is, in full force and effect from that date.

Approved March 28, 1884.

CHAPTER 507.

AN ACT prohibiting the sale of spirituous, vinous, or malt liquors within three miles of Sulphur Spring Church, in Simpson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be unlawful for any person or persons to sell by retail, by the drink, or any other quantity, any spirituous, vinous, or malt liquor, or the mixture of either, within three (3) miles of Sulphur Spring Church, or the site thereof, situated near the residence of O. H. Morrow, in Simpson county.

§ 2. If any person shall violate the provisions of this act, he or she shall be deemed guilty of a misdemeanor, and on conviction, shall be fined twenty-five (\$25) dollars; and the proceedings under this act may be by indictment in the circuit court, or by warrant of arrest, or summons before any justice of the peace; and the judgments rendered under this act may be collected and enforced as now provided by general law in similar cases.

§ 3. It shall be unlawful for the county court or the judge thereof to grant any one license to sell spirituous, or vinous, or malt liquors within three miles of said church or the site thereof.

§ 4. This act shall take effect and be in force from its passage.

Approved March 28, 1884.

CHAPTER 508.

AN ACT to regulate working roads in Carroll county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Carroll county court shall, at the first term after the adoption of this act by the legal voters of said county, as hereinafter provided, appoint three commissioners residing on the northeastern side of Kentucky river, and three commissioners residing on the southwestern side of said river, who, after being first duly sworn to faithfully, honestly, and impartially perform the duties assigned them by this act, shall lay off their respective portions of said county into road districts; in no district shall there be less than two miles nor more than five miles of county roads.

§ 2. Said commissioners shall report to the next term of said court after their appointment, which report shall lie over until the next term of said court for exceptions, to which any citizen of said county may file exceptions. Said court shall hear proof on said exceptions, and may make such alterations and amendments to said reports as may appear from the proof just and equitable, and shall then confirm said report.

§ 3. Said commissioners shall be subject to do work on said roads for personal privileges, and the ensuing court of claims of said county, after they make their reports to said county court, shall make to them a reasonable allowance for their said services.

§ 4. Every male citizen, preachers of the gospel excepted, who reside in said county, outside of an incorporated town or city, who are between the ages of twenty-one years and

fifty years, shall do two days' work annually on said roads for personal privileges; said work shall be performed under the personal direction of the surveyor of the district in which such citizen resides, on the first day of May of each year; and upon a failure to perform said work, shall pay to said surveyor two dollars on or before the first day of October in each year; and each owner of land which lies outside the incorporate limits of said towns shall pay to the surveyor of the district in which such lands lie two dollars, annually, before the first day of October, on each one thousand dollars' worth of land he or she may own, on the first day of May in each year, which may be discharged by such owner causing one day's work on said roads to be performed for each thousand dollars' worth of such land as he or she may own at the date aforesaid, which shall be performed in the district in which such land lies, under the supervision of the surveyor thereof; and all fractions of a thousand dollars' worth of land shall be subject to pay in proportion to the amount of such fractions, which may be discharged as aforesaid; and all sums of money that may be paid to any of said surveyors shall be applied to and expended in the repairs of the roads or making new roads in the district in which the lands lie on which such amounts are so paid.

§ 5. Each surveyor appointed under this act shall, annually, at the October term of said county court, report the condition of the roads and bridges in his respective district, the amounts paid to him under the provisions of this act, and how he has expended the same, and the names of all delinquents who have failed to discharge their respective liabilities under this act, and the respective amounts unpaid by such delinquents respectively; upon the filing of such report, the court shall order a summons to issue against such delinquents, to show cause why judgment shall not be rendered against them for the amounts named against them respectively in said reports; said summons shall be made returnable to the next regular term of the quarterly court for said county, and shall issue in the name of

the Commonwealth of Kentucky; and judgments shall be rendered against all who fail to make a sufficient defense.

§ 6. When the reports of said commissioners is confirmed, said county court shall appoint a surveyor of the roads in each of said districts, who shall hold said office two years from the date of said appointment, unless they become unable to discharge the duties of said office or remove from the district; in such case said county court shall appoint a successor to fill out the remainder of the term of office. Said surveyors, when appointed, shall be men of families and house-keepers, and subject to perform work on said roads for personal privileges. They shall superintend the working of the roads in their respective districts, and require each hand under them to labor faithfully eight hours as a day's work on said roads. They shall receive from the officer who collects money on judgments against delinquents under the provisions of this act, and apply the same to the improvement of their said roads; and shall pay over to their successors in office any and all moneys left unexpended in their hands when they go out of office. Upon their failing to pay over such balances, their successors shall report the same to said county court, which court shall enforce the payment of the same under and in the same manner provided in this act to enforce payment by delinquents; and no property shall be exempt from execution and sale under executions issued on judgments rendered under the provisions of this act. Said surveyors shall be exempt from serving on juries in circuit courts, and all inferior courts in said county, and from serving as trustee in any school district in said county during their continuance in said office; but the filling of said office shall not disqualify them from such service except as grand jurors. If any of said surveyors should be compelled to perform more service as surveyors than they would under this act be required, if not filling said office, such surveyor or surveyors may present a claim for the same to the court of claims of said county, which court shall make them a reasonable allowance for such extra service upon proper proof of the same.

§ 7. Said surveyors shall, in the month of May of each year, take a list of all the lands lying in their respective districts, and assess the value thereof; but such assessment shall not exceed the values fixed by the assessor for said county in the year in which it is made. For the purpose of taking said lists, he may visit the land-owners in his district or in any adjoining district. For said service he shall be exempt one day from working on said roads.

§ 8. Any land-owner whose place of residence is not in the district where his or her land lies, shall report to the surveyor of the district in which such land lies the value of the same, on or before the first day of May in each year; and upon a failure to make such report, or to make a correct report of the value of such lands, the surveyor of such district shall notify the clerk of the county court of said county of such failure, who shall, on being thus notified, forward a copy taken from the assessor's books of that year of the amount and value of said land, for which said land-owner shall pay said clerk a fee of fifty cents.

§ 9. All incorporated towns, under the supervision of the boards of trustees of such town, shall repair and keep in order all county roads leading into such towns respectively a distance of one-half mile from the limits of such towns when said roads enter the same.

§ 10. If any surveyor appointed under this act, or any board of town trustees, should fail to keep in proper repair their respective roads, such surveyor or board of trustees shall be subject to a fine for such failure of not less than ten dollars, which may be enforced by indictment by the grand jury, or before the judge of the county court, upon the information of two or more citizens.

§ 11. Said surveyors may contract with persons bound to do work on roads to repair or keep in repair any part of the roads in their districts in lieu of the work such persons may be bound to do on such roads; and they may contract for teams to work on roads in the same manner; but in either case the surveyor shall see that the contracts are fully complied with.

§ 12. An election shall be held on the first Saturday in May, one thousand eight hundred and eighty-four, at all the voting places in Carroll county, which shall be conducted in every particular under and in pursuance with the laws of Kentucky which regulate holding elections, and the same penalties shall be imposed for illegal voting that are now imposed under said laws for that offense. At said election this act shall be submitted to the people for approval or disapproval, and each voter shall be asked this question: "Are you for or against the act to regulate working roads in Carroll county?" which votes shall be entered on the poll-book by the clerks of said election; and if a majority of those who vote are in favor of said act, then this act shall go into force, but not otherwise. At said election all legal voters in said county, who do not reside within the limits of an incorporated town, and all owners of land which lies outside of such towns, and who are legal voters, and who reside in such towns, shall have a right to vote at said election.

§ 13. This act shall take effect from and after its passage.

Approved March 28, 1884.

CHAPTER 509.

AN ACT for the benefit of J. W. Lee, clerk of the Trimble county court, allowing him to practice law in all the courts of this Commonwealth except the court of which he is clerk.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. W. Lee, clerk of the Trimble county court, a licensed lawyer, be, and he is, permitted to practice law in all courts of this Commonwealth except in the courts of the county of which he is clerk.

§ 2. This act shall take effect from its passage.

Approved March 28, 1884.

CHAPTER 510.

AN ACT to amend the charter of the Stony Point and Seamond's Mills Turnpike Road Company, in Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the Stony Point and Seamond's Mill Turnpike Road," approved February twelfth, one thousand eight hundred and fifty-eight, be so amended that said company may change the road-bed of said turnpike, commencing at a point within about fifty yards of Strode's creek, at a stake set in the south margin of said road on the west side of said creek, and running across said creek about forty feet south of the present ford, and running back into the present road-bed at the gate of Wm. H. Kerr.

§ 2. The said road company shall have the authority to condemn the right of way for said change, and to condemn materials, rock, and dirt for use in grading said road, and erecting and repairing any bridges on the line of said road. The proceedings to condemn the same shall be in manner and form as provided by the provisions of an act to prescribe the mode of condemning land for the use of railroad and turnpike companies, approved April eleventh, one thousand eight hundred and eighty-two.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1884.

CHAPTER 511.

AN ACT to amend an act to incorporate the Meade County Deposit Bank, approved February ninth, one thousand eight hundred and eighty-four.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Meade County Deposit Bank," be, and the same is hereby, amended by striking out of the third section of said act the following words: "The stockholders may meet and elect

the said three or more directors when five hundred shares of the capital stock shall be subscribed for and paid in," and insert in lieu thereof the following: "The stockholders may meet and elect the three or more directors when two hundred shares of the capital stock shall have been subscribed for by them, and the directors so elected may then organize by the election of a president and cashier as contemplated by said act."

§ 2. This act shall take effect and be in force from its passage.

Approved March 28, 1884.

CHAPTER 512.

AN ACT to incorporate the town of Stepstone, in Montgomery and Bath counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby incorporated the town of Stepstone, in Bath and Montgomery counties, on the line of the Chesapeake and Ohio Railroad, with corporate limits to the same, viz: Commencing at the depot building of the Chesapeake and Ohio Railroad Company, and extending one-quarter of a mile north, south, east, and west, with a square boundary from each point.

§ 2. That the following named persons are constituted and appointed officers of said town, with full power to carry out all the hereinafter enumerated powers granted by this charter, until their successors are duly elected and qualified, as hereinafter set forth, viz: S. F. Maddox, police judge; Richard McQuire, L. T. Alexander, Henry Maxy, James Harper, and Dr. James Carter, are hereby constituted and appointed trustees of said town, who, with their successors in office as trustees, shall be a body-politic under the name and style of the town of Stepstone; and James Weiman marshal of said town.

§ 3. There shall be elected annually, on the first Monday in May, by the legal qualified voters of said town, five trustees for said town of Stepstone, a police judge and marshal.

Said trustees shall have perpetual succession, who, in their corporate name aforesaid, shall have power to sue and be sued, implead and be impleaded, grant and receive, by their corporate name, and do all other acts as natural persons may do, and as such may make and enforce all needful by-laws and rules for the regulation and government of said town, not inconsistent with the Constitution or laws of the State or of the United States ; and they may do and perform all needful acts to promote and carry out the chief object of this corporation, to-wit, the improvement of said town and its good government; one of said trustees, to be by them chosen, shall be president of the board, but a majority may act.

§ 4. All qualified voters living inside the limits of said town, or owning real estate therein, shall be entitled to vote in the election of trustees and all other town officers; but no person shall be eligible to the office of trustee but real estate owners within said corporate limits.

§ 5. The trustees, when elected, shall continue in office for one year, and until their successors are qualified; and shall take an oath to faithfully perform all the duties pertaining to their office.

§ 6. The said trustees shall have power over the streets, alleys, and sidewalks of said town; and may direct and order the improvement of the same as they may deem best for the interest of said town. They shall have power to levy and collect an ad valorem tax on the property of said town, not exceeding twenty-five cents on the one hundred dollars in any one year. They shall have power to tax all auction sales, shows, exhibitions for money or profit, such sums as they may deem just or as may be provided in their by-laws. They shall have power to declare what are nuisances and to remove the same, and to pass all by-laws and ordinances necessary to give effect to all the powers herein granted.

§ 7. That it shall be the duty of said trustees to appoint a clerk and treasurer, and by ordinance define their duties; and shall require the treasurer to give bond for the performance of his duties.

§ 8. All taxes levied and collected by said trustees, and all fines and forfeitures for violation of by-laws and ordinances of said town, shall be paid to treasurer for the benefit of said town.

§ 9. No money shall be drawn from the treasury of said town except by order of the president of the board of trustees in pursuance to the orders of said board.

§ 10. The trustees may annually appoint an assessor to take a list of all the taxable property in said town.

§ 11. The police judge, when elected, shall hold his office for one year, and until his successor is qualified. Said judge, by virtue of his office, shall be a conservator of the peace; and before he enters on the discharge of his duties, shall take an oath before the county judge of Montgomery county to faithfully and impartially execute all the duties of police judge of said town, and shall take such other oaths as are required of justices of the peace. The police judge shall have concurrent jurisdiction with the justices of the peace in this State, and be entitled to the same fees. Said judge shall have jurisdiction within the limits of said town of all infractions of the laws, by-laws, or ordinances of said town. A vacancy in the office of police judge shall be filled by the trustees of said town, the appointee to hold office until the succeeding regular election.

§ 12. The town marshal, when elected, shall hold his office for one year, and until his successor is qualified; and before entering on his office shall take the same oaths required of constables in this Commonwealth; and shall execute a bond, with good security, in the county court of the county in which he lives, the same as is required of constables; with further covenant that he will perform all the duties of said office according to law. The marshal shall have concurrent jurisdiction with constables in this Commonwealth, and be entitled to the same fees for his services. It shall be the special duty of said marshal to execute all processes issued for an alleged violation of the by-laws and ordinances of said town, and to promptly collect all taxes, fines, forfeitures, and to pay the same to the trustees of said town.

§ 13. The trustees are empowered to pass such by-laws and ordinances, which do not contravene any law of this Commonwealth, as may be necessary for the good government and well-being of said town, and to fill any vacancy in any office created by this act. Said trustees shall have power to grant licenses and regulate charges therefor; but nothing herein shall be construed to exempt the person licensed from paying the State tax or license as now required by law: *Provided, however,* That no license shall be granted to sell spirituous, malt, or vinous liquors without the consent of a majority of the qualified voters of said town, at a regular or special election held for that purpose.

§ 14. This act shall take effect from and after its passage.

Approved March 28, 1884.

CHAPTER 513.

AN ACT to amend the charter of the town of Lawrenceburg, in Anderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Lawrenceburg," approved March two, one thousand eight hundred and seventy-eight, be amended as follows:

§ 1. That the corporate limits of the town of Lawrenceburg, in Anderson county, be, and are hereby, extended so as to include the following boundary: Beginning at the present limits of the town on the Shryock's Ferry Pike, thence with the south side of said pike to the corner of Thomas H. Hanks' land; thence north twenty-four degrees west two hundred and seventy-five feet, including the residence and lot of A. B. Jones; thence south sixty-two and one-fourth degrees west to the present limits of said town; and thence with the town limits to the beginning.

§ 2. That all fines assessed by the police court, or such as may be assessed by other courts, except circuit court, for offenses committed in the limits of the town, shall inure to the use and benefit of the town, and shall be paid by the

officers collecting the same to the treasurer of the board of trustees as provided in section twenty-seven of the charter, whether the warrant state that it issued at their instance or not.

§ 3. That all fines assessed in pursuance of the provisions of the charter, or any of its amendments, or under the by-laws of the town of Lawrenceburg, together with all fees and costs arising from the prosecution of same, if not paid or replevied, may be discharged in the work-house or on the streets or alleys, or any public works of the town, at the rate of one dollar per day; and in case any fees or costs are thus discharged, the officers to whom such costs or fees are payable shall be paid by the town, after deducting fifty cents per day for the board of the prisoner while working out said fees or costs.

§ 4. That section thirty-eight of said act, approved March second, one thousand eight hundred and seventy-eight, be, and the same is hereby, repealed.

§ 5. This act shall take effect from and after its passage.

Approved March 28, 1884.

CHAPTER 514.

AN ACT of incorporation of the German National Insurance Company, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Gotlieb Layer, George Adam Schuster, Adolph Rentlinger, Leopold Schuster, Joseph Gottbreath, Charles Wetstein, H. Darlinghaus, J. C. Finck, M. Schwartz, C. Henry Dorn, F. W. Schwenck, and H. H. Rademaker, their associates, successors, and assigns, be, and they hereby are, created a body-corporate, under the name and style of the German National Insurance Company, of Louisville, Kentucky, with perpetual succession; and by that name are made capable in law to acquire, possess, use, hold, enjoy, sell and dispose of, in any manner, real and personal property, and public and private securities of any and all kinds whatsoever; to invest its capital, and the funds accumulated

in the course of its business, or any part thereof, in bonds, stocks, mortgages, deeds of trust, or in real estate in the State of Kentucky; to loan its capital and its accumulated funds out on such securities as its board of directors may determine; to contract and be contracted with, to sue and be sued, implead and be impleaded, and defend in any court; to make and use a common seal, and the same to break, alter, or renew at pleasure; to make, establish, and execute, by its said board of directors, such by-laws as may be deemed necessary or convenient for the government of the corporation and not contrary to law.

§ 2. It is hereby empowered to insure against loss by fire houses, buildings, goods, wares, merchandise, and all other kind of property, in or out of this State, and also to make all kinds of insurance on all goods, wares, and merchandise, and other property, in course of transportation, on land or water, or on any vessel, boat or craft, of any description, wherever the same may be, and to negotiate insurance on property in or with other insurance companies, either in behalf of such companies or of those seeking to be insured, and to cause itself to be insured against any loss or risk it may have incurred in the course of its business, and effect in its behalf insurance in other companies upon its property, or any interest it may have in property, of every description, and generally to do and perform all other things and acts proper to promote any and all these things.

§ 3. The capital stock of said company shall be two hundred thousand dollars; but it may, by two thirds of the votes of the stockholders, increase said capital stock to any amount not exceeding five hundred thousand dollars. Said capital stock shall be divided into shares of one hundred dollars each, and shall be paid in fifty per cent. within one month after subscription, and ten per cent. monthly thereafter until paid up; and the company shall not make any insurance until one hundred thousand dollars of said capital stock is paid up.

§ 4. The management and control of the corporation shall be vested in a board of nine directors, the majority of whom shall constitute a quorum. Said directors shall

have power to elect a president, secretary, and treasurer, and to appoint and employ such clerks, agents, and other operatives as it may deem necessary; and at any time to fill vacancies occurring in its board or among any of the offices of the corporation; and to generally manage and control the business of the corporation; and said directors shall be elected by the stockholders; and each share of capital stock shall entitle the holder to one vote at all elections requiring the voice of the stockholders; and no stockholder, holding less than ten shares of capital stock, shall be eligible as director or other officer of said corporation.

§ 5. The first election of directors shall take place at the office of the company on the last Monday in the month; when one thousand shares of stock shall have been subscribed, and annually thereafter at the office of the company on the third Monday in January, and that of officers the Tuesday next following; and the directors and officers shall serve until their successors are elected and qualified as prescribed by the by-laws.

§ 6. The chief place of business of said company shall be in the city of Louisville, Kentucky.

§ 7. Private property of the stockholders shall be exempt from corporate debts.

§ 8. The form of certificate of shares and manner of transfer of stock shall be regulated by the by-laws, and a lien shall exist in favor of the corporation on the stock of each share-holder for any claim that the corporation may have for the unpaid part of his shares of stock; and the company shall have the right to purchase the stock of any stockholder who withdraws his business from the company, or whose business is not satisfactory to the directors, at a discount of five per cent. upon the value of the stock as shown by the books of the company; and any share of stock upon which any installment, or part of the price thereof, remains unpaid for the period of thirty days after the same is due, shall, at the option of the directors, be forfeited to the corporation and forthwith re-sold; and seventy-five per cent. of the amount paid by the defaulting stockholder therefor shall be refunded to him.

§ 9. On the first Monday in January and July in each year a fair and clear statement of the affairs of the company shall be made out and exhibited to the stockholders; and a dividend of such proportion of the profits be made as a majority of the directors shall decide; but in no case shall the capital stock paid be diminished.

§ 10. This act shall take effect from and after its passage.

Approved March 28, 1884.

CHAPTER 515.

AN ACT to amend the charter of the Warsaw Deposit Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of an act to incorporate the Warsaw Deposit Bank, approved February fifth, one thousand eight hundred and sixty six, be, and the same are hereby, continued in full force and effect for the period of thirty years from the date of the expiration of the limitation of said charter.

§ 2. This act shall take effect from its passage.

Approved March 28, 1884.

CHAPTER 517.

AN ACT to amend the charter of the Continental Mutual Life Insurance Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to the powers granted by the act to which this act is an amendment, the said Continental Mutual Life Insurance Association shall have power to issue certificates of insurance to its members, payable at stated periods during the lives of such members, on such terms and in such manner as may be provided for in its by-laws.

§ 2. That section five (5) of the act to which this act is an amendment be so amended that the fund therein styled the mortuary fund shall hereafter be styled the mortuary

and endowment fund; and that so much of said fund as shall be necessary, from time to time, to pay the due proportion thereof, which shall become due and payable to members holding certificates payable at stated periods, may be withdrawn in the manner provided therein for the payment of the certificates of deceased members.

§ 3. This act shall take effect from its passage.

Approved March 29, 1884.

CHAPTER 518.

AN ACT to protect the overflowed lands in Henderson and Union counties from the depredations of stock running at large, and to take the sense of the people as to applying said act to the whole and parts of said counties.

WHEREAS, The recent extreme freshets in the Ohio and Green rivers have swept away nearly all the fencing upon the bottom lands in Henderson and Union counties bordering on said rivers and subject to overflow, leaving the farming lands exposed to injury and damage from the depredations of live stock or cattle running at large; and whereas, the impracticability of fencing said lands has been shown by the annual destruction of said fencing by the floods of one thousand eight hundred and eighty-two, one thousand eight hundred and eighty-three, and one thousand eight hundred and eighty-four; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all live stock or cattle running at large upon any bottom land bordering on said rivers in said counties, and subject to overflow, shall be liable to be taken up and impounded by the owner or tenant of the land on which such stock may be found, or in the vicinity thereof, and kept so impounded until the owner shall appear, claim his property, take charge thereof, and prevent such stock running at large in the future; and if the owner is known to the taker-up, he shall be promptly notified of such impounding; and if the owner shall promptly take charge of his stock, and not allow it to run at large again, no further proceedings shall be prosecuted for the first offense.

§ 2. If such owner shall not, when notified, promptly appear and take charge of such stock, and take care of it in the future, or without notice, if the owner shall suffer and permit the stock to remain impounded for twenty-four hours, without seeking and taking charge of it, he shall be subject to a fine of not less than one nor more than ten dollars per head for every day he shall suffer it to remain so impounded, to be recovered by penal proceedings, in the name of the Commonwealth, by warrant before any justice of the peace of the county, upon service of process three days before the trial; such fine to be collected in the same manner as other fines are collected for penal offenses; and in addition thereto, unless the fine and costs are replevied, by bond with sufficient security, immediately upon its infliction, execution of *fi. fa.* may be issued instanter, which may be levied upon the stock impounded, or any other property of the defendant, regardless of any exemption provided by any law of this Commonwealth, and sold after five days' notice posted at three or more public places in the vicinity.

§ 3. If no owner can be found for such stock, then, and in that case, the stock shall be disposed of as provided by existing laws in regard to other estrays.

§ 4. The owner of such stock shall be liable for any damage or injury done by said stock running at large over said portions of said counties, and shall also be liable to the taker-up for the feed and care of said stock while impounded.

§ 5. The taker-up shall have a lien upon said stock for feed and care of them while impounded, for costs, and for any damage or injury done by said stock running at large.

§ 6. Nothing in this act shall be construed as repealing any laws incorporating fence companies acting along said rivers in said counties.

§ 7. For the purpose of taking the sense of the people as to whether this act shall apply to all other lands in said counties, said act shall be submitted to the qualified voters of said counties at the general election to be held on the first Monday in August, one thousand eight hundred and eighty-four; and a poll shall be opened and the question

propounded to each voter: "Are you for or against the stock law?" and if it shall be found that a majority of those who voted upon the question have voted for the law, then this act shall be in full force in the remaining parts of said counties; and if it shall be found that a majority of the voters of any justices' district who voted upon the question have voted for the law, then this act shall be in full force in said district; but as regards said bottom lands along said rivers, this act shall be in full force and effect from and after its passage.

§ 8. The vote shall be certified and returned and compared as is required in elections for State and county officers, and it shall be the duty of the examining board to make out a certificate, under oath, of the votes cast at said election, under the provisions of this act, giving the number of votes cast in each precinct for and against the stock law, and deliver the same to the presiding judge of the county court, who shall cause the same to be entered of record by the county court clerk.

§ 9. It shall be the duty of the sheriffs of said counties, or other officers acting in their stead, at least thirty days before the day upon which this law is to be voted on, to advertise, in at least three public places in each precinct, that a vote will be taken at said election for or against a stock law, and have this act published in the leading paper of said counties by three weekly insertions before the day of said election.

§ 10. It shall be the duty of the judge of the county court, on the petition of twenty freeholders of said counties, to order a poll to be opened at any general election for a vote on this question in accordance with the provisions of this act.

§ 11. All other acts for the prevention of stock running at large in said counties, which are not now in force, are hereby repealed.

Approved April 1, 1884.

CHAPTER 520.

AN ACT to amend an act, entitled "An act to incorporate the Iron Works Turnpike Company, of Jessamine county, of the State of Kentucky," approved April the nineteenth, one thousand eight hundred and eighty two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the Iron Works Turnpike Company, of Jessamine county, Kentucky," approved April the nineteenth, one thousand eight hundred and eighty-two, be, and is hereby, amended so as to empower the county court of said Jessamine county to subscribe for shares in the capital stock of said company in any amount in their discretion, not exceeding one thousand dollars per mile of said road.

§ 2. *And be it further enacted,* That said company shall have the right to charge as toll for travel over said road the tolls as fixed by the acts of the General Assembly of Kentucky for all turnpike roads of five miles in distance.

§ 3. *And be it further enacted,* That the private stockholders of said company shall have the right to locate the route of said road.

§ 4. This act to take effect from and after its passage.

Approved March 31, 1884.

CHAPTER 521.

AN ACT to authorize the Knox county court to issue bonds to build a jail, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That to raise money to build a jail, including the purchase of a site for same if necessary, and to pay the principal and interest of any debt contracted for said purpose, the county court of Knox county be, and is hereby, authorized to levy an ad valorem tax, not to exceed twenty cents on the hundred dollars, on all property subject to taxation for State revenue, and not exceeding fifty cents on each tithable of the county, in addition to the taxes now

allowed for such purposes by section six, chapter eighty-nine, of the General Statutes, for each and every year such taxes may be necessary.

§ 2. That said court may cause the bonds of the county, not to exceed the aggregate sum of six thousand dollars, of such denominations as the court may choose, not less than one hundred dollars each, to be executed under the seal of the county, signed by the presiding judge of the county court, and attested by the clerk thereof, payable at the option of the county at any time within five years from date, bearing interest at not more than six per cent. per annum, payable annually, to be sold for the purpose of raising money to build a jail, and to purchase a site for the latter, if thought necessary by the commissioners hereinafter named.

§ 3. That Judge Stephen Golden, Green Elliot, W. B. Anderson, F. B. McClary, and George M. Adams, who, if consenting thereto, or any three of whom, are hereby appointed commissioners to prepare a plan and specifications for said jail, or cause the same to be prepared by some competent architect, for which they are authorized to pay a reasonable compensation out of the money derived from sale of bonds, and superintend the building thereof; and shall have the power to purchase a site for the jail, the conveyance for same to be made to the said county: *Provided*, That said commissioners shall receive no pay for their services, but shall receive pay for any actual expense incurred in performing their duties as herein prescribed. Said commissioners are hereby authorized to sell and dispose of said bonds, but shall not sell same for less than their face value, and may be required by the county judge to execute a good and sufficient bond for the faithful application of all moneys received by them, and the performance of their duties as commissioners under this act. Said jail shall not be erected upon the public square of Barbourville, if thereby the property of any person would be injured.

§ 4. That the sheriff or collector of taxes of Knox county, and their sureties, shall be responsible on their bonds for the collection of taxes herein authorized, in the manner

they are responsible for the ordinary county levy; shall have and exercise the same powers in the collection thereof as are conferred for collecting the county and State taxes; and shall, under the same penalties, pay over to whom the said court may direct to receive same, and at such times as the court may require.

§ 5. The said commissioners hereinbefore named, or any three of them, shall have the right and authority to receive and demand and enforce the payment of any money now available, or that may hereafter be available (besides that received from the sale of county bonds), or which by law ought to be available for building said jail, and apply the same to the building thereof.

§ 6. That each and every act of the said county court herein authorized or necessary to carry out the provisions of this act, shall be done by an order entered on its records, a majority of all the justices of the county being present and concurring therein. And said court may at any time require a report from said commissioners of their acts as prescribed under this act.

§ 7. This act to take effect from its passage.

Approved March 31, 1884.

CHAPTER 522.

AN ACT to incorporate the town of New Hope, in Nelson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of New Hope, in Nelson county, Kentucky, be, and is hereby, incorporated and declared a body-politic, with all the powers and privileges vested in it under this act, under the name and style of the "Town of New Hope." The boundary of said town is fixed as follows, to-wit: Beginning at a mile post number fifty, on the Knoxville Branch of the Louisville and Nashville Railroad, running thence south eighty-eight poles to a stone in field of T. J. Miller; thence east eighty-eight poles to Johnson's Spring, in the field of E. L. Miles; thence east twenty-five poles to two sugar trees in Johnson's old sugar

orchard; thence north one hundred and twenty-four poles to a stone in Coyle's field; thence west one hundred and thirteen poles to a stone in T. J. Miller's meadow; thence south thirty-six poles to the beginning. The fiscal and municipal affairs of said town are hereby vested in three trustees, who shall be elected annually on the first Saturday in May of each year, and shall hold their offices for one year, and until their successors are elected and qualified, and shall qualify and enter upon the discharge of their duties on or before the first day of July succeeding their election, and shall qualify by taking the oath prescribed by the Constitution of Kentucky. At the election of said trustees, or police judge, or marshal herein provided for, every person residing in said town, and shall have so resided six months preceding any election, and who is a qualified voter under the laws of the State of Kentucky, shall be a qualified voter in such elections.

§ 2. Said trustees shall have power, and it shall be their duty, to pass all ordinances, by-laws, and regulations necessary for the good government of said town, and may fill vacancies in said board by electing or choosing a successor to the member whose death, removal, or resignation may have occasioned the vacancy. They are invested with the power to levy a poll-tax, not exceeding one dollar, upon each qualified voter in the corporate limits, and may levy an ad valorem tax not to exceed ten cents on each one hundred dollars of property in said town taxable for revenue purposes by the laws of the State of Kentucky. They may pass all necessary ordinances for the suppression of riots and breaches of the peace, affrays, unlawful assemblies, disorderly conduct, and drunkenness committed in said town, and fix the penalties for the violation of such ordinances in such sum as they may deem proper, not to exceed fifty dollars; and may provide by ordinance for licensing and taxing all taverns, saloons, coffee-houses, shooting galleries, and all places where spirituous, vinous, or malt liquors may be sold or given in said town, and may by ordinance fix the tax on such license in any sum they may deem proper: *Provided*, The tax on taverns shall not exceed one hundred dollars,

and on coffee-houses and drinking saloons not to exceed two hundred and fifty dollars, and on merchant's license not to exceed one hundred dollars; and they may provide for the erection of a work-house or place of confinement for persons violating said town ordinances, or they may make purchase of same and take conveyance therefor, and may levy a tax on said property in the corporate limits as aforesaid, not to exceed ten cents on each one hundred dollars thereof, for the purchase or erecting of said work-house or place of confinement. Said trustees are authorized to elect a clerk, assessor, and treasurer, and to define by ordinance the duties of each, and may provide for the collection of taxes in any way they see proper, not in violation of nor inconsistent with the Constitution and laws of the State of Kentucky.

§ 3. All taxes levied and collected, and all fines and forfeitures, shall be paid to the treasurer of the town; and no money shall be drawn from the treasury except upon the warrant of the chairman of the board of trustees by order of said board.

§ 4. At the time of the election of said trustees in May, one thousand eight hundred and eighty-four, and every two years thereafter, a police judge of said town shall be elected by the qualified voters of said town, who shall qualify as required by the laws of the State of Kentucky, and on or before the first day of July succeeding his election, and shall possess the same qualifications as county judges. He shall have exclusive jurisdiction of all infractions of the by-laws and ordinances of said town, and shall have concurrent jurisdiction with justices of the peace of all criminal prosecutions in Nelson county, except that, as a court of inquiry, he shall have the same jurisdiction as a county judge, and shall be entitled to the same fees as a justice of the peace for similar services; he shall act as clerk of his own court, and keep a correct record of the proceedings thereof; and is invested with power to issue subpoenas for witnesses, and to coerce their attendance by fine and attachment, and imprisonment for contempt in not obeying the summons; and appeals may be taken from the judg-

ment of said court in the same manner and upon the same terms that appeals are allowed from judgments of justices of the peace. Said police court shall always be open for the trial of offenses cognizable in said court. All prosecutions in said court for the violation of the ordinances of said town may be by summons or warrant of arrest as the court may deem best, and shall be issued in the name of the Commonwealth of Kentucky, for the benefit of the town of New Hope.

§ 5. A town marshal shall be elected by the qualified voters of said town on the same days, and in the same manner, and for same time, as police judges are elected under this act, and shall qualify within the time provided herein for the qualification of said police judges, and shall take the same oath, and shall qualify and execute bond in the same manner as now required by law for constables of Nelson county, with the additional covenant that he will execute the duties of marshal of New Hope to the best of his ability according to law. He shall have the same power and jurisdiction of a constable of Nelson county. It shall also be his special duty to execute all processes issued from the said police court for an alleged violation of the ordinances of said town, and to promptly collect all fines and forfeitures, and pay the same to the treasurer of said town; and shall be entitled to the same fees as a sheriff for similar services. In addition to said fees, said trustees are empowered to provide for the compensation of said police judge and marshal by salary, if they see proper so to do. Said marshal shall be a resident of said town for six months preceding his election.

§ 6. Said board of trustees shall appoint a keeper or watchman of said work-house, and provide for his or their pay.

§ 7. All persons convicted of a violation of the ordinances of said town, and adjudged to pay a fine, may, in default of such payment of fine and costs, be confined in said work-house at hard labor, such as said board may prescribe, or may be worked in the streets of said town.

until said fine and costs are paid, at the rate of one day's imprisonment or labor for each dollar of fine and costs.

§ 8. Said board of trustees shall elect one of their number chairman, who shall be known as the chairman of the board of trustees of the town of New Hope.

§ 9. No person shall be eligible to the office of either trustee, police judge, or marshal of said town, who has not been, for the period of six months, a citizen of Kentucky and a resident of said town.

§ 10. John T. Dawson, C. C. Corbett, and B. C. Sympson, are hereby appointed trustees of said town, and shall hold their offices until their successors are elected and qualified; and they are authorized to appoint two judges and clerk to hold election for trustees, police judge, and marshal at the May election aforesaid, in the year one thousand eight hundred and eighty-four, and their successors are empowered thereafter to make such appointment for future elections; and the trustees in office at the time an election is held are hereby constituted a board to examine the poll-books, count the votes, and certify the election of the successful candidate or candidates.

§ 11. This act shall take effect from its passage.

Approved March 31, 1884.

CHAPTER 523.

AN ACT to amend an act to incorporate the Louisville Transfer Company, approved February eleventh, one thousand eight hundred and sixty-seven.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to incorporate the Louisville Transfer Company, approved February eleventh, one thousand eight hundred and sixty-seven, be, and the same is hereby, amended so as to authorize the stockholders of said company to increase the number of directors of said company to any number not exceeding nine.

§ 2. This act shall take effect from and after its passage.

Approved March 31, 1884.

CHAPTER 524.

AN ACT to amend the charter of the Poor Ridge and Sugar Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the number of votes to which each stockholder may be entitled in the Poor Ridge and Sugar Creek Turnpike Road shall be according to the number of shares he may hold, and no share or shares shall confer a right of voting which shall not have been holden three months previous to the election. The stockholders may vote in person or by proxy in writing, and no person who is not a resident of Garrard county and a stockholder, shall be eligible president, director, or treasurer, and the president and as directors shall cease to be such on his or their ceasing to be a stockholder.

§ 2. That the capital stock of said company be increased twenty thousand dollars, and that the width of the artificial part of said road may be increased to forty feet.

§ 3. The Garrard county court may subscribe stock in said road, in addition to the eight hundred dollars already authorized to be subscribed, not exceeding two hundred dollars per mile, payable on the completion of each mile of said road; and said court is hereby authorized to levy and collect an ad valorem tax on all the property of Garrard county subject to tax for State revenue sufficient to pay said subscription.

§ 4. That after two and one half miles of said road shall have been completed and opened for travel, the president and directors may erect a toll-gate thereon and collect toll, and the rate of said toll shall not exceed the rate now fixed by the General Statutes.

§ 5. That said company is hereby empowered to acquire, hold, and convey lands, rights of way, toll-house lots, stone quarries, and are authorized and empowered to borrow money for the purpose of building and completing the road, and to pledge and bind the franchises of the company for its payment, and any interest that may accrue thereon.

§ 6. That all claims against said company must be presented and allowed by the board or a quorum thereof, and attested by the secretary of said company before payment by the treasurer.

§ 7. That at the next annual election for president and directors of said company, and at every election thereafter, no person shall be eligible to hold the office of president, director, or treasurer unless he holds a certificate of stock for amount subscribed to said road company.

§ 8. That the president and treasurer of said company shall settle at the end of each fiscal year with the board, in which settlements they may charge said road company for their services as such president and treasurer. In the event they fail to make such settlements and charges aforesaid, they are barred from making any charges for their services as president and treasurer, or for any other services rendered said road after the expiration of said fiscal year.

§ 9. That the tolls collected on said road may be applied in aid of its construction until the same is completed.

§ 10. This act shall take effect from and after its passage.

Approved March 31, 1884.

CHAPTER 525.

AN ACT to consolidate the Newport and Licking Turnpike Company and the Old State Road Turnpike Company, in Campbell county, into one company, under the name of the Newport and Claryville Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Newport and Licking Turnpike Company and the Old State Road Turnpike Company, in Campbell county, be, and they are hereby, permitted, two-thirds in amount of the respective stock in each of said companies consenting thereto, to consolidate into one company, under the name of the Newport and Claryville Turnpike Company; said vote, if favorable thereto, to be decisive of such consolidation.

§ 2. That in the event of such consolidation, said New-

port and Claryville Turnpike Company be, and the same is hereby, permitted to erect a toll-house and gate at the point where the road of said Newport and Licking Turnpike Company intersects the road of said Old State Road Turnpike Company, and be entitled to a right of way of not less than fifty feet.

§ 3. That the respective values of stock in said turnpike companies, as a basis of said consolidation, shall be determined and fixed by two-thirds of the stock, in amount, of each of said consolidating companies.

§ 4. That all rights, powers, franchises, and privileges of said Newport and Licking Turnpike Company and said Old State Road Turnpike Company, in the event of said consolidation, be, and the same are hereby, vested in said Newport and Claryville Turnpike Company, to take effect from the date of such consolidation; and in the event of a conflict or disagreement between the rights, powers, privileges, and franchises so conferred upon said Newport and Claryville Turnpike Company, then the latter shall, in a mode provided by itself, and as it shall deem best, adopt or reject either of such conflicting rights, powers, privileges, or franchises.

§ 5. That this act take effect from its passage.

Approved March 31, 1884.

CHAPTER 526.

AN ACT creating a new charter for the town of Warsaw, in Gallatin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

Town Limits.

§ 1. That so much of the county of Gallatin as is embraced within the present limits of the town of Warsaw, and the persons residing within said boundaries, are hereby created a body-politic and corporate, by the name and style of the "Town of Warsaw;" and by that name may have perpetual succession, sue and be sued in all courts

Boundary.

Style.

of law or in equity; may contract and be contracted with; may purchase and hold such real and personal property as may be necessary for the use of said corporation, and may lease, sell, and convey, or otherwise dispose of the same.

§ 2. And said town is invested with all the lands, tenements, hereditaments, and all the goods, chattels, moneys, revenues, rights, and demands in possession or expectancy of the town of Warsaw; and shall be bound by all contracts, and responsible for all debts, demands, and liabilities of whatsoever kind against said town, in the same manner, and to the same extent, as before the adoption of this act.

§ 3. All the streets, alleys, roads, lanes, and commons, now open to the public for travel, and now established in said town, are hereby declared to be streets, alleys, roads, lanes, and commons of the town of Warsaw.

§ 4. In all suits or proceedings against said town, service of process shall be upon the chairman of the board of trustees, or, in his absence from the town, upon the clerk of the board of trustees. Process.

ARTICLE II.

Distribution of Powers.

§ 1. The corporate powers of the town of Warsaw shall be divided into three distinct departments, namely, the legislative, the executive, and the judiciary.

ARTICLE III.

§ 1. The legislative powers of the town of Warsaw shall be vested in five trustees, to be styled the board of trustees of Warsaw. Legislative department.

§ 2. The members of the board of trustees shall be elected on the first Monday in April annually, and shall hold their offices for the term of one year from and after their election, and until their successors shall be elected and qualified. Election & term of trustees.

§ 3. No person shall be eligible as a member of the board of trustees who is not a male citizen and legal voter of said town, and an owner of real estate therein, Eligibility of trustees.

and who has not been a continuous and *bona fide* resident thereof for at least one year next preceding his election, or who shall be directly or indirectly interested in any contract with said town, or in any application therefor; and if, after election, any member of the board of trustees shall remove from the town, or shall die, or resign his office as trustee, or accept any office, post, employment, or agency, the holding or discharging of which would have rendered him ineligible as a member of the board of trustees, his seat as such member shall be thereby vacated, and the remaining members shall proceed immediately to elect his successor, who shall take the oath required by section four of this article.

Oath.

§ 4. Each member of the board of trustees, and all other officers, before they enter upon the execution of the duties of their respective offices, shall, in addition to the oath required by the Constitution and laws of this Commonwealth, take, in substance, the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully, without fear, favor, or affection, perform the duties of the office of ———, of the town of Warsaw, according to law." The oath or affirmation to be administered by an officer who is authorized by law to administer oaths; and a certificate thereof shall be noted on the journal, and filed with the records of the town.

Journal.

§ 5. The board of trustees shall keep, or cause to be kept, a correct journal of all their proceedings.

Meetings.

§ 6. The board of trustees shall meet on the first Friday in each month, and shall designate by ordinance the place of their meetings.

§ 7. The board of trustees may, by ordinance, prescribe the rules of their proceedings, and by proper penalties enforce the same, and punish members of said board for disorderly behavior during the sessions or meetings of said board.

Quorum.

§ 8. A majority of the board of trustees shall constitute a quorum to transact business and pass and enact laws and ordinances: *Provided, however,* That no act shall be valid unless it shall receive the sanction of at least three members

of the board: *And provided further*, That no ordinance incurring a liability, or requiring an appropriation of exceeding fifty dollars, shall be valid, unless the same be voted for (and the ayes and nays be so entered upon the journal) by every member of the entire board: *And provided further*, That no ordinance incurring a liability, or requiring an appropriation of exceeding two hundred dollars for any one object or purpose, shall be valid, although adopted by the entire board, unless the same shall be ratified by a majority of the legal voters of the town, expressed by an election held for that purpose; and the board shall, by ordinance, prescribe the time, place, and manner of holding such election.

§ 9. Upon all questions voted upon by the board of trustees, any member shall have the right to call for the yeas and nays, and have the same recorded in the journal.

§ 10. The board of trustees shall have power, within the limits of said town, in addition to the other powers granted to and vested in them by this charter—

1. To levy and cause to be collected a *per capita*, specific, and ad valorem tax within the limits prescribed in this charter. To levy taxes.

2. To appropriate money, and provide for the payment of the debts and expenses of the town. Appropriate money.

3. To make regulations to prevent the introduction or spreading of contagious or infectious diseases in the town; to pass quarantine laws for that purpose, and to enforce the same within one mile of the boundaries of the town. Quarantine.

4. To establish hospitals and pest-houses, and make regulations and rules for the government of the same.

5. To make rules and regulations to secure the general health of the town.

6. To prevent, abate, and remove nuisances at the expense of the owners or occupiers, or of the parties upon whose grounds they exist, and to define and declare by ordinance what shall be a nuisance within the limits of the town; and they may by ordinance affix the penalty for keeping, causing, or committing a nuisance, which shall be by fine in the police court, not exceeding one Abate nuisance.

hundred dollars for each day the same is continued after notice.

7. To provide the town with water by means of wells, cisterns, or otherwise.

Provide water.

8. To establish, erect, and keep in repair bridges, culverts, sewers, and dams, and regulate the use of the same.

9. To provide for the lighting of the streets, market-houses, and all town offices and buildings.

Lighting streets, &c.

10. To appoint, support, and regulate policemen, night-watches, and patrols, and to prescribe their duties and compensation.

Appoint police.

11. To erect suitable market-houses, to establish market-places, and provide for the government and regulation thereof, and appoint inspectors of the articles sold therein, and to provide for the condemnation and destruction of such as are stale and unwholesome.

Market-houses.

12. To license, tax, and regulate auctioneers, peddlers, insurance agents, brokers, pawnbrokers, tobacco factories, warehouses, and public halls.

License peddlers, &c.

13. To license, tax, regulate, and suppress theatrical and other exhibitions, shows, and amusements, circuses, menageries, and museums.

14. To suppress gaming, drunkenness, gamble-houses, bawdy-houses, or houses of prostitutions, street-walkers, and disorderly houses of all kinds, and to provide for the arrest and punishment of the offenders; and may provide for the prevention and punishment of any person who shall rent property to prostitutes, or shall suffer their property to be used or occupied by lewd or disorderly persons, and may prescribe by ordinance such penalty therefor as they may think proper.

Gaming, &c.

15. To provide for the prevention and extinguishment of fires, and to regulate and establish fire companies; also to regulate and restrain the erection of wooden buildings, and to provide for the removal of the same when built contrary to the ordinances of the town; to appoint fire wardens and property guards, with full powers to arrest and keep away from the vicinity of any fire occurring in said town idle or suspicious looking persons lurking near the same,

Fires & fire companies.

and to compel any person or persons to assist in extinguishing fires, and to compel all persons present at a fire to assist in the preservation of property exposed to the dangers of the fire, and to prevent the purloining or stealing goods or property at such fire, and such other powers and duties as may be prescribed by ordinance

16. To provide for the levy and sale of the real and personal estate of all persons against whom or whose property a per capita, specific, or ad valorem tax is assessed under this charter, the regulation prescribed not to be in conflict with the provisions hereinafter provided. Sale of real estate

17. To erect and keep in repair accurate public scales, and appoint a public weigher, and to fix his compensation for his services. Public scales.

18. To erect a work-house, and provide for the regulation and government thereof. Work-house.

19. To elect a town attorney, clerk (who shall also be clerk of the board of trustees), treasurer, assessor, collector, warden of the town work-house, and health officer, prescribe their duties, fix their fees and compensation, and provide for the payment of the same. Town attorney, clerk, &c.

20. To elect, fix, and provide for the payment of the compensation of all town officers, servants, or agents not otherwise provided for in this charter, and regulate and provide for the payment of all jurors, witnesses, and others for services in behalf of said town under this charter. Payment of town officers.

21. To establish rules to enforce a faithful and honest discharge of the official functions of all officers of the town, and to prescribe the penalty for their non-observance.

22. To remove from office any member of the board of trustees, or the police judge, for willful or corrupt misconduct in office, or for willful failure or neglect to discharge the duties required of them, or either of them; and to remove at pleasure any town officer, agent, or servant elected by the board; but in cases of impeachments, the party accused shall be notified of the charge or allegations against him at least ten days previous to the day of trial, and which charges or allegations shall be spread upon the records of Removal of officers.

the board of trustees: *Provided, however,* That no conviction shall be had unless by the unanimous concurrence of every member of the entire board.

Vacancies.

23. To declare and announce by proper ordinance all vacancies in office, arising from any cause whatever, and fill the same by the election of a suitable and eligible person, who shall take the oaths of office heretofore prescribed, and, when necessary, execute the proper bonds, the forms of which shall be prescribed by the board, and enter upon the discharge of all the duties of his office until the expiration of the term for which he is appointed or elected.

Make by-laws & ordinances.

24. To make such rules, by-laws, and ordinances for the purpose of maintaining the peace, good government, and order of the town of Warsaw, and for the interest of trade, commerce, and manufactories thereof, as the board may deem expedient and necessary, not repugnant to the Constitution of the United States or the State of Kentucky; and to enforce the observance by prescribing penalties and fines for the violation thereof; and to make all ordinances which shall be necessary and proper for the carrying into effect the powers vested by this act in the corporation, the town government, or any department or office thereof

Vagrancy.

25. To define by ordinance what shall constitute vagrancy, and to declare who are vagrants, and prescribe proper penalties and punishment therefor.

Peddling & peddlers.

26. To define by ordinance what shall constitute peddling, and declare who are peddlers.

Breaches of the peace.

27. To provide for the prevention and suppression of any riot, rout, breach of the peace, noise, disturbances, disorderly or unlawful assembly in the streets, houses, or other places in the town, or any violation of any town ordinance; and for the arrest and confinement in the work-house of said town or jail of Gallatin county; and to provide for the trial of the parties committing, engaging in, or taking part in, or aiding or abetting the same. The board of trustees shall have power to prescribe the penalty for any violation of any of the town laws or ordinances, provided it shall not exceed sixty days' imprisonment in the work-house or county jail, or fine not

exceeding two hundred dollars, or both. All persons arrested in said town shall have a speedy trial; but if the arrest be after five o'clock, afternoon, the party arrested may be confined by the officer making the arrest in the town work-house or county jail until the succeeding day; and in such cases the jailer of Gallatin county, or the warden of the work-house, shall receive the party under arrest without an order of commitment, and safely keep until he or she is released for trial. If the jailer or warden refuse to receive such prisoner when in custody of an officer, he shall be fined for such refusal not less than five nor more than fifty dollars.

28. To prevent and remove any and all encroachments and obstructions into or upon any street, alley, sidewalk, lanes, avenues, or public square established by this charter or by ordinance; regulate, modify, and change the grade and width of streets, alleys, lanes, avenues, sidewalks, pavements, and sewers, and to have and exercise complete and perfect control over same, and over all public squares or commons belonging to the town limits, and over all property, real or personal, belonging to the town.

Remove obstructions.

29. To provide for the removal from the limits of the town, or for killing mischievous, vicious, and diseased animals, and for the punishment, by suitable fines and penalties, of the owner and keeper of such animals for allowing them to go at large, and to impose a tax on the owners of domestic animals running at large in the town.

Animals

30. To order and compel the owner of any lot, piece or parcel of ground within the town, at his own costs and expense, to grade, pave, construct sidewalks, culverts, curbing, guttering, and otherwise improve that portion of such lot, piece or parcel of ground which bounds upon and adjoins any street, lane, avenue, alley, public road, or public square in said town; and if such owner shall fail and refuse, for thirty days, to obey said order, after being notified of the same, which notice shall be by delivery by the town marshal, or by the sheriff or any constable of Gallatin county, of a copy of said order, attested by the clerk of the board, to such owner, or if the owner be a non-resident of the

Construct sidewalks, &c.

county of Gallatin, then the notice shall be by publication of said order, for one month, in any newspaper in said town; then the said board may order the same to be done at the cost and expense of the town; and said town shall have a lien upon such lot, piece or parcel of ground, for the money so expended, together with all costs and expenses, legal and extraordinary, which shall not be defeated by any gift, sale, devise, alienation, or any means whatever; and may cause said lien to be enforced in the same manner as is prescribed for the enforcement of mechanics' liens in chapter seventy of the General Statutes of Kentucky; and the police court is hereby given jurisdiction concurrent with the Gallatin circuit court of causes of actions arising hereunder.

31. To appoint a board of supervisors of all the books, showing assessment of property for taxation; said board shall consist of three members, who shall enter upon the discharge of the duties of their office upon their appointment, and shall be discharged upon the completion of their duties. Any member of said board may swear any witness examined before it. It shall be the duty of said board to examine with care the assessor's books, and to correct any errors of the assessor, whether in fact or in relation to the valuation of the property listed; and in case where they shall be of opinion that any of the property has not been correctly valued, to fix a proper valuation on the same; and the said board shall have power to compel the attendance of witnesses before them. The board during its sessions may receive the tax-list of any person omitted by the assessor, and enter the same upon the assessor's book. They shall annex their certificate that they have examined, corrected, and approved the assessor's book, and leave it with the clerk of the board of trustees. The said board shall in no case increase the valuation of any property fixed by the assessor until the owner thereof shall have had due notice to show cause why it shall not be increased. Before said board shall enter upon the discharge of their said duties, they shall each take an oath before some officer authorized to administer oaths, that they will faithfully and impartially discharge the duties of their office.

32. To demand and require a bond from the police judge, Beaumont Police Judge with good and sufficient security, for the faithful performance of his duties as such judge, which bond must be approved by the board and must be spread at large upon the records of the proceedings of the board by the clerk.

33. To grant wharf privileges on the Ohio river, at the foot of, or opposite, or between the cross streets leading to the river; to fix the rates of wharfage, and to impose upon the grantee or grantees the performance of such duties as they may think proper for the benefit of the commercial and other interests of said town, and for such periods of time as they may deem proper, under such rules and regulations as they may, from time to time, stipulate with the grantee or grantees of such privileges: *Provided, however,* That said wharf privileges shall not be leased at any one time for a longer period than three years.

34. To license, tax, regulate, restrain, prohibit, and control in said town alleys for nine or ten-pins, all houses of public resort, billiard, pigeon-hole tables, and bowling-saloons. Public House, &c.

35. To regulate and control the storage of gunpowder, tar, pitch, rosin, hemp, cotton, coal-oil, and all other combustible materials. Gunpowder, &c.

36. To suspend, either indefinitely or for a limited period of time, any license which the board of trustees may have granted to any person doing business under a license in said town, whenever said board are satisfied that any such person, from any cause whatever, should forfeit said license: *Provided, however,* That no license shall be suspended until the party accused has had at least five days' previous notice in writing of the intention to suspend said license, if any he has, before the board, why said license shall not be suspended; and the board may prescribe by ordinance the penalty for any party for continuance of business, whose license has been declared forfeited by the board of trustees. Suspension License.

37. To provide for the erection and repair of all needful public buildings, and for inclosing and improving all public grounds belonging to the town. Public Buildings.

38. To receive, alter, abolish, widen, straighten, extend, grade, pave, gravel, and otherwise clean and keep in repair, and to open and lay off new and additional streets, sidewalks, alleys, avenues, lanes, and public grounds in such manner as they may prescribe by ordinance; and whenever it may become necessary to procure property for any of the above purposes, or for other municipal purposes in said town, the board of trustees may, by ordinance, provide for the purchase of any designated property; and the chairman of the board shall tender to the owners of the property, if adults, the purchase-money, and make the purchase, if accepted; but if the owner refuse to sell at such price, or if the owner be an infant, married woman, or non-resident of the State, or labor under any other disability, then the property may be condemned by writ *ad quod damnum*, in the name of the town of Warsaw, against all owners or persons interested in said property, or any part thereof; said writ to issue and the proceedings thereunder to be had as prescribed in the succeeding section.

§ 11. The writ of *ad quod damnum* authorized herein shall be issued by the judge of the Warsaw police court, or the judge of the Gallatin county court, when there is filed before him a statement the attorney for the town of the purposes for which the land or property sought to be condemned is required, together with a copy of the survey of said land or property.

1. The said writ shall designate the land or property to be condemned, and may include that of several persons; and shall be directed to the marshal of Warsaw or to the sheriff of Gallatin county.

2. It shall direct him to hold an inquest by a jury of twelve impartial, discreet freeholders of the county or town, to ascertain the amount of damages each owner will sustain, if it be condemned for the purpose asked.

3. The officer to whom the writ is directed must, before executing the same, give the party whose land or property is required at least five days' notice of the time and place of holding the inquest, if in the county; and if not in the county, then to his agent; and if there be no known agent

in the county, then to the tenant; and if there be no tenant, then by public written notice for two weeks at the court-house door in the town of Warsaw shall be sufficient notice; but if the land or property required shall belong to infants or persons of unsound mind, in whole or in part, the officer shall notify the testamentary or statutory or natural or committee or guardian or next friend; and if none in the county, it shall be the duty of the court issuing the writ to appoint some responsible person to act for such infant or person of unsound mind, on whom the officer shall execute the notice in writing, whose duty it shall be to attend the inquest, and take care of the interests of the infant or person of unsound mind; and to traverse the finding of the jury, if in his opinion it is to the interest of the person for whom he is appointed so to do.

4. Besides challenges for interest or kinship, each party may challenge three jurors without a cause.

5. The jurors shall be sworn truly and impartially to ascertain and determine by their inquest the amount of compensation each owner will be entitled to if his land or property, as named in the writ, is condemned.

6. The inquest shall be signed by each juror, handed to the officer holding the inquest, and returned by him with the writ within three days to the court whence it is issued.

7. If the jury cannot agree, or the requisite number do not meet on the day fixed, the officer may discharge it and summon another jury or other juries; and if, from any cause, the inquest cannot be held or completed on the day appointed by him, he may adjourn it, from time to time, until it is held and completed, without further notice than his proclamation made at the time.

8. The jury, after being duly sworn by the officer holding the inquest, shall view the land and property of the owners, and shall allow the fair cash value of the same; also fair compensation for additional fencing which may be rendered necessary thereby; and also for all incidental or collateral damages which the said taking will produce to the other land of the owner; but for such incidental or collateral damages shall be deducted the amount in value of the

benefits and advantages such other land will derive from the said condemnation and taking.

9. If a person claiming damages has only a life estate, or years, in same, and the remainder in fee belongs to another, the jury shall apportion the damages between them.

10. The verdict of the jury shall be in substance as follows: "We, the jury, find that said —, named in the writ herein, will sustain — dollars damages in taking the required land or property for the purposes named, and we have taken into consideration, in making up our verdict, the fair cash value of the — proposed to be taken, in benefits and advantages to them, and the damages to be sustained by the construction or erection of the —."

Traverse.

§ 12. Either party may, within ten days after the finding of the inquest, file a traverse thereof with the clerk of the Gallatin circuit court; whereupon the case shall be docketed for the next term, and shall stand for trial at that term if it is ten days after the inquest, otherwise at the next term. It shall be tried by a jury of freeholders empaneled for that purpose. The party failing on the traverse shall pay the costs thereof, and the party traversing fails when the verdict traversed is not increased or diminished as his interest may require. The costs of the inquest upon the traverse shall be paid by the party asking the condemnation: *Provided, however*, That if the amount finally recovered be in no greater than the amount tendered before the application for the writ, then the said costs shall be paid by the owner or owners of the land or property. Either party may have the decision revised by the Court of Appeals.

Appeal.

§ 13. No appeal, or supersedeas, or traverse on behalf of the owner of the land or property shall stay the judgment or stop proceedings thereunder, except as provided herein.

§ 14. In all cases where a writ of *ad quod damnum* shall be issued, and a verdict found under this act, and the same be not traversed, the town (or its representative) may tender to the owner of the land or property, or pay into court whence the writ issued, the amount of the verdict of the jury; and thereupon the said court shall make an order confirming the verdict, and such confirmation shall vest the

right of the land or property in the town, and a writ of possession may issue any time therefor.

§ 15. When the finding of the jury is traversed by the owner of the land or the property, the town (or any one representing it) may file a bond in the clerk's office where the traverse is pending, conditioned for the payment to the party entitled to the same of the final assessment of damages and costs in the case, said bond to be signed as vouchers of the town are now signed, and to be binding on the town, but not to be binding on the parties individually who may sign it as chairman or clerk of the board of trustees, and pledge the town's credit to its performance; and the clerk of said court shall not require any security on said bond; and upon the filing of the same, it shall be lawful for said town to proceed with the work as though the damages were finally assessed and paid, and no action of trespass shall lie therefor.

§ 16. When the damages for the taking are settled on a traverse in the circuit court, the said court, upon a tender being made in court of the said damages, or payment or tender thereof to the owner, shall confirm the verdict of the jury, which confirmation shall vest the land or property required in the town, and a writ of possession may at any time issue therefor.

§ 17. If the damages assessed are not paid before the end of six months next ensuing the verdict (unless there is a traverse pending), the applicant shall be considered as having abandoned the prosecution of the writ, and all former proceedings shall be of no effect.

§ 18. Any person who shall hinder or attempt to prevent the use of any right or privilege derived from the condemnation, shall pay the town damages and costs, and any additional amount, not exceeding one thousand dollars; and any person who threatens so to hinder by violence, may be brought before the police judge or county judge or justice of the peace, and be required to give bail in the penalty of one thousand dollars, with good security, to keep the peace, and be of good behavior for the next six months.

§ 19. To elect a town attorney and regulate his fees, a clerk (who shall also be clerk of the board of trustees), treasurer, assessor, collector, warden of the town workhouse, and health officer, prescribe their duties and fix their fees and compensation, and provide for the payment of the same.

ARTICLE IV.

Executive Department.

Chairman—term

Duties.

§ 1. The board of trustees shall elect one of their members chairman of the board, who shall hold his office for the term of one year, and until his successor is elected and qualified. He shall be the chief executive officer of said town. He shall preside at all meetings of the board of trustees, decide points of order, and shall have the power, during the sessions of the board, to enforce good order and decorum, and to punish contempts as presiding judges of the circuit courts have given them by law.

§ 2. He may require information, in writing, from all officers of the town, on any subject relating to their respective offices; and shall perform and discharge such duties as may be prescribed, from time to time, by ordinance, not inconsistent with this charter.

§ 3. He may call special sessions of the board of trustees whenever, in his judgment, it may be deemed necessary or to the interests of the town.

§ 4. He shall have the care and superintendence of the public property of the town, unless the board shall, by ordinance, otherwise provide; and he shall see that the laws and ordinances of the town are duly enforced and observed, and faithfully executed.

§ 5. He shall be a conservator of the peace, and when deemed necessary by him to enforce the laws and ordinances of the town, to save life or property, or to quell riots, routs, or breaches of the peace, he may summon into service any of the citizens of said town, or of Gallatin county; and in such cases he must be present and command in person; and the board may, by ordinance, prescribe suitable fines and penalties for disobedience of his order or summons.

§ 6. He shall give the casting vote whenever the board may be equally divided on any question or ordinance.

§ 7. In case of the death, resignation, removal from office, inability, or refusal to act, or temporary absence of the chairman, the members of the board shall elect one of their number as chairman *pro tempore*, who shall exercise the powers and discharge the duties of chairman until the disabilities be removed; or in case permanent vacancy in said office, until it shall have been filled as provided herein.

§ 8. The chairman of the board of trustees shall have power to administer oaths.

ARTICLE V.

Judicial Department.—Police Court and Police Judge.

§ 1. The judicial powers of the corporation shall be vested in and exercised by a court to be styled "The Warsaw Police Court," which shall be held by a judge, to be styled "The Judge of the Warsaw Police Court," who shall be elected by the qualified voters of the town, at the time of the first general election for the board of trustees, and shall hold his office for the term of two years, and until his successor is elected and qualified.

Police court.

Police judge.

§ 2. Said court shall have exclusive jurisdiction of all misdemeanors under the laws and ordinances of the town, and such other jurisdiction as is hereinafter stated; and shall have all necessary powers to effectuate the jurisdiction given. It shall also have power and jurisdiction of an examining court of Gallatin county, and shall, as such court, have the power and perform the duties of two justices of the peace; may take recognizances and bail bonds for appearance in said court, in any case cognizable in said court; and also recognizances and bail bonds in cases of felony and misdemeanor, which shall be for an appearance in the circuit court, or in any court of competent jurisdiction in said county. Said police court shall hear all complaints of breaches of the peace, and require sureties to keep the peace; and shall have power to commit to the workhouse or county jail; and for violation of penal laws of the State or ordinances of the town, to impose such fines and

Jurisdiction.

penalties as may be prescribed by the laws of the State or ordinances of the town, to the amount of one hundred dollars and imprisonment not to exceed fifty days, or both, without the intervention of a jury; and with the intervention of a jury, or without a jury if it be waived by the party charged, to the amount of two hundred dollars, and imprisonment not to exceed six months, or both. Said court shall have concurrent jurisdiction with justices of the peace in cases of disturbing religious worship, riots, disorderly conduct, unlawful assemblies, and breaches of the peace, and in all other cases within the jurisdiction of justices of the peace as now or hereafter given by general law. Appeals can be taken from the judgment of said court to the Gallatin circuit court, or any court of Gallatin county of similar jurisdiction, in criminal cases, when the judgment for fine exceeds twenty dollars, or for imprisonment exceeds ten days.

Appeals.

§ 3. Said court shall have concurrent original jurisdiction in all matters, both in law and equity, within the limits of Gallatin county, with the judge of the county or quarterly court in all actions and proceedings for the recovery of money and personal, where the matter in controversy, exclusive of interest and costs, does not exceed two hundred dollars in value; and the jurisdiction herein conferred shall attach without the consent of the defendant in writing or otherwise.

§ 4. If in any action in the police court, except as herein provided, it shall appear, during the pendency thereof, that the title of real property is involved in the controversy, it shall be the duty of the court, on the motion of either party to the action, to make an order transferring it to the circuit court of the county, and to deliver the original papers and certified copies of all orders made in the action to the clerk of the circuit court, who shall docket the same, and on which the same proceedings shall be had as though the action had been brought originally in that court; but if judgment be rendered by the police court, the title to any real estate shall not be affected thereby, except as herein provided.

§ 5. Said police court shall have jurisdiction within Gallatin county concurrent with justices' courts of motions against constables and their sureties, and against any officer of the town of Warsaw and his sureties, or any one of them, or the personal representative of any one or more of them jointly with the survivors, for any money collected by them, or any of them, on any execution or fee-bill, or any note or account, or other claim put in their hands for collection, and which, on demand, they shall neglect or refuse to pay; and also to issue and try warrants of forcible entry and detainer.

§ 6. The police court shall be holden at the court-house in the town of Warsaw, or at such place as the judge may select.

§ 7. All proceedings in, and process from, the police court, in criminal and penal actions, shall be in the name of the Commonwealth of Kentucky. The process in civil, criminal, and penal cases shall be made returnable to the police court, and may be directed to the marshal of the town, or to any peace officer of Gallatin county; and the officer executing the process of said court shall be entitled to like fees for like services, and to the same remedy for the collection thereof as the sheriffs of the State; and shall be subject to the like fines and penalties for like offenses and failures; and for the purpose of executing said process, a policeman appointed by the trustees is a peace officer, and has the power and authority to execute said process in criminal and penal cases. Process.

§ 8. The pleadings and practice, and mode of procedure in said police court, shall be governed by the Kentucky Code of Practice in civil and criminal cases, except as herein provided. Pleadings.

§ 9. The Warsaw police court shall be a court of record; and the records thereof, or certified copies of the same, over the signature of the judge of said court, shall be evidence in any court of this Commonwealth.

§ 10. All fines and forfeitures recovered in the Warsaw police court in the name of the Commonwealth of Kentucky, for violations of the law within said town limits, are Fines to go to the town.

hereby granted to the town of Warsaw, and when collected, shall be paid to the treasurer of said town.

§ 11. A return of no property on a writ of *fiery facias*, issued on any judgment in the Warsaw police court, shall authorize an attachment out of equity in favor of the Commonwealth, or the town of Warsaw, or any plaintiff, against the choses in action or effects of the defendant, in the same manner that a return of no property authorized an attachment in equity on judgments rendered in the circuit courts.

Appeals.

§ 12. Appeals shall lie from the decisions of the Warsaw police court to the circuit court of Gallatin county in all civil cases where the amount in controversy, exclusive of interest and costs, is twenty dollars and over.

§ 13. The Warsaw police court shall be open at all times for the trial of criminal and penal cases within its jurisdiction.

Powers.

§ 14. The judge of the Warsaw police court shall have power, when he knows, or has reasonable grounds to believe, that a public offense has been committed within the jurisdiction of said court, to compel, by process of attachment, if necessary, any person supposed to have knowledge of the facts, to appear before him to testify upon oath in relation thereto; and any witness refusing to testify, or to answer any legal question propounded to him by said judge or the town attorney, in relation to the subject being inquired into, shall be punished by a fine of not exceeding five dollars for each refusal, and by imprisonment in the county jail until he shall answer the questions.

§ 15. No person shall be eligible to the office of judge of the Warsaw police court unless he be a male citizen at least twenty-five years of age, and has resided as a *bona fide* resident in the limits of the town at least two years next preceding his election, and possesses such other qualifications as are required for county judges.

Vacancy.

§ 16. Whenever a vacancy shall occur in said office, it shall be filled by appointment by the board of trustees until the next regular election for police judge, or until his successor is elected and qualified.

§ 17. Before he enters upon his duties, the police judge shall receive from the Governor of Kentucky a commission as such, which shall be granted to him upon his furnishing a certificate of his election from the officers of the election, or a certificate of his appointment from the clerk of the board; and thereupon he shall, before the county judge, or the chairman of the board of trustees, take the oath prescribed by this charter, and such oaths as prescribed for civil offices by the Constitution and laws of Kentucky. A certificate of the taking of said oaths shall be indorsed on the said commission by the county judge, or the chairman of the board of trustees, whichever shall administer the same; which commission, with its said indorsements, shall be filed in the clerk's office of the Gallatin county court; and he shall enter upon the discharge of his duties as soon as he shall have received his commission and qualified thereunder.

Commissioned
by Governor.

Oath.

§ 18. The judge of the police court shall be a conservator of the peace, and shall issue warrants of arrest for all offenses against the laws of the State or ordinances of the town, when, from his personal knowledge, or from reliable information from others, he shall be satisfied that there are reasonable grounds to believe that an offense has been committed; and for those offenses committed in his presence may arrest, or order arrests, without a warrant, the persons offending to be dealt with according to the laws of the State or ordinances of the town.

Conservator of
the peace.

§ 19. The regular terms of said court, unless changed by the police judge upon reasonable notice, shall be held on Tuesday after the first Monday in each month of the year, and may continue from day to day until the business thereof shall be disposed of.

Regular terms of
court.

§ 20. He shall have the power and authority to grant injunctions, attachments, restraining orders, writs of *habeas corpus*, and to issue warrants in civil and criminal cases, under the same rules and regulations prescribed by law authorizing justices of the peace or the county judge to grant and issue the same, except as herein provided; he shall have the power to fine and imprison for contempt: *Provided*,

Injunctions, at-
tachments, &c.

The fine shall not exceed ten dollars, and the imprisonment thirty hours.

Jury. § 21. In civil cases either party may have a jury where the amount in controversy, exclusive of interest and costs, exceeds twenty dollars.

§ 22. The police judge shall act as clerk of his own court, and issue all processes returnable thereto, but may appoint a deputy clerk, but shall be responsible for his acts as such. He shall keep a docket, order-book, and executive book, and such other books as may be necessary, which shall be furnished by the board of trustees at the expense of the town.

Return day. 1. The court must, by rule, fix a monthly return day of executions, and other rules to govern its proceedings.

2. When the jurisdiction in the police court in civil actions is concurrent with circuit courts, a tax of fifty cents shall be paid to the police judge for the purpose, and under the same conditions as when such taxes are paid to clerks of circuit courts, and the same rules which govern clerks of circuit courts in the taxation of an attorney's fee shall apply to the police judge.

Special judge. § 23. The law governing the election of a special judge of a circuit court shall, as to the cause thereof, and mode of election, apply to the election of a special judge of the police court, who shall possess the qualifications of police judge.

§ 24. The judge of the police court shall continue in office until the first town election under this charter, and until his successor is elected and qualified.

Salary and fee of police judge. § 25. The judge of the Warsaw police court shall, for his services as judge of said court, be paid by the town of Warsaw an annual salary of one hundred and fifty dollars, for which the board of trustees shall, by order of record, make an appropriation to him at the end of each year of his term, and which shall be paid by the town treasurer, when in funds, upon presentation to him of a duly certified copy of the order; and in addition thereto, he shall be entitled to charge and receive in civil causes the same fees as clerks of circuit courts are allowed by law to charge and

receive for similar services performed by them; and in criminal and penal cases, he shall be allowed to charge and receive a fee of two dollars for presiding at each trial, and such other fees as are allowed by law to justices of the peace for similar services; but should said judge vacate said office, for any cause, before the expiration of his term, he shall only be paid said salary in proportion to the time served by him.

§ 26. When there is no police judge, or, in his absence, or his inability to perform the duties of his office, the chairman of the board of trustees, or any justice of the peace who holds his office in the magistrates' district in which the town of Warsaw is situated, may act and perform any official duty which pertains to the office of said police judge, and shall be entitled to the same fees therefor.

Vacancy in office

§ 27. The holding of the office of judge of the police court shall not be incompatible with the holding of any other office in this Commonwealth.

§ 28. On the first Monday in April, one thousand eight hundred and eighty-four, and every two years thereafter, an election shall be held by the legally qualified voters of the town of Warsaw for the election of judge of the police court.

Election of police judge.

§ 29. The police judge of said town shall commit to the jail of Gallatin county all persons liable to commitment for violations of the criminal and penal laws of this Commonwealth, and for breaches of the ordinances of said town, and the jailer of said county shall receive and keep all persons so committed by said police judge: *Provided*, That the fees for taking care of all persons committed to said jail by said judge shall be allowed by the board of trustees, and paid out of the town treasury.

§ 30. It shall be the imperative duty of the police judge of said town to commit to jail all persons who shall fail to pay or replevy, immediately, with good personal surety or sureties, the fines and costs of proceedings assessed against them; and unless such fines and costs shall be replevied or paid, the defendant shall remain in jail, and be required by

Jail for fine and costs.

the judgment of said police court to work on the streets, or other public works of said town, at the rate of one dollar per day, under the marshal, until said fine and costs shall be paid. And the marshal shall use all necessary force that may be required to compel the defendant to work. The jailer of said county shall diet such person during the period he is performing such labor, and when not engaged at work shall receive him in said jail, and keep him confined until the expiration of his term of service. In case the officer's fees are paid by labor as aforesaid, the trustees of said town shall allow and pay the same to them out of the treasury of said town.

ARTICLE VI.

Executive and Ministerial Officers—Town Attorney.

Town attorney. § 1. No person shall be eligible to the office of town attorney who is not a qualified voter of said town, and has not been a continuous and *bona fide* resident thereof for at least two years next preceding his election, and unless he has been a regular licensed practicing attorney for two years next preceding his election.

Legal advice. 1. It shall be the duty of the town attorney to give legal advice to the board of trustees when called upon, and to be present at the meetings thereof; to prosecute all persons in the police court charged with a violation of the criminal and penal laws and ordinances of said town or the State of Kentucky; to institute proceedings for the enforcement of the forfeiture of recognizances and bail-bonds in said court, and the enforcement of all judgments against offenders; and for his services in each case he shall be entitled to a fee of two dollars, and thirty per cent. of the fines and forfeitures, to be paid by defendants.

Term of office. 2. He shall hold his office for the term of two years, and until his successor is appointed and qualified.

Eligibility. § 2. No person shall be eligible to the office of town marshal, collector, treasurer, clerk, or assessor, who is not, at the time of his election or appointment, a qualified voter of the town.

Town clerk. § 3. It shall be the duty of the town clerk to make and keep a full and complete record of the acts and doings of

the board of trustees, in a book kept for that purpose; and each law, regulation, or ordinance passed by said board shall be spread at large by him on said record, and properly indexed; and he shall furnish a copy thereof for publication whenever required to do so by the board. Duties.

1. Upon the resignation, removal, or the expiration of his term of office, he shall, upon application, deliver to his successor, or such person as the board may direct, all books, papers, and records belonging to the town; and upon his failure to do so, he shall be subject to the same fines and penalties prescribed by law for defaulting clerks of this Commonwealth.

2. He shall hold his office at the pleasure of the board. Town treasurer.

§ 4. The town treasurer, before he enters upon the duties of his office, shall execute a covenant to the town of Warsaw, with good personal security, to be approved by the board of trustees, conditioned for the faithful performance of his official duties, and the faithful and prompt payment of all orders that may be drawn on him by the board of trustees, when in funds; and to deliver to his successor in office all moneys, books, papers, and other property belonging to the town at the time he leaves his office: *Provided*, Said treasurer shall not be a member of the board of trustees during the time he holds said office of treasurer.

1. It shall be his duty to collect the money for all licenses issued under the provisions of this charter, which he shall hold, together with any other moneys collected by him as treasurer of the town.

2. The treasurer, at the end of each fiscal year, shall make a public expose of the financial condition of the town, and therein exhibit the receipts and expenditures of the last fiscal year.

3. He shall hold his office at the pleasure of the board of trustees.

4. Upon the resignation, removal, or upon his vacation of said office for any cause, he shall, upon application, deliver to his successor, or such person as the board of trustees may direct, all moneys, books, papers, and records belonging to the town; and upon failure to do so, he shall

be subject to the same fines and penalties prescribed by law for defaulting clerks of this Commonwealth.

5. All money of the town raised, collected, or received by means of taxes, licenses, penalties, or otherwise, shall be paid into the treasury; and no money shall be drawn therefrom unless by the authority of the board, upon an order signed by the chairman and attested by the town clerk.

Town marshal. § 5. The town marshal shall be appointed by the board of trustees, and shall hold his office at the pleasure of the board.

1. He shall, before entering upon the duties of his office, execute bond, with good personal security, payable to the town of Warsaw, and approved by the board of trustees, conditioned that he will well and faithfully perform the duties of his office, and will pay over and account for all moneys collected by him upon *capias pro fines* or otherwise as marshal, to the proper person, under the penalties and conditions of bonds given by constables for the performance of their duties; and before entering upon the duties of his office, he shall take the oaths herein prescribed; and in all things relating thereto shall be governed by the board of trustees.

Powers. 2. He shall have full power within the county of Gallatin, and it shall be his duty as marshal, to serve all warrants, processes, precepts, notices, and other things to him directed, out of any court in this Commonwealth, with the same power in the service thereof as sheriffs and constables now have under the laws of this State.

Duties. 3. It shall be the duty of the marshal to examine all the streets, alleys, and public places in said town from time to time, and report all needed improvements and repairs to the chairman of the board of trustees; to suppress all nuisances; to cause all dead animals in the public thoroughfare to be removed or buried; to be constantly on the streets of said town to prevent all offenses against the laws, and to arrest offenders; and he may have the power of the town and county to assist him in the performance of his duties; and any one failing and refusing to assist him when summoned so to do, shall be fined not less than five dollars nor

more than fifty dollars; and he shall perform these and all other duties, and execute all orders, processes, notices, and other things as said board may by ordinance prescribe.

4. He shall attend all the regular sessions of the police court, and perform all the duties in this behalf that are required of sheriffs in the circuit courts under the laws of this State.

5. He shall, for his services as marshal, be paid by the town of Warsaw an annual salary of one hundred and fifty dollars, for which the board of trustees shall, by order of record, make an appropriation to him at the end of each year of his term, and which shall be paid by the town treasurer, when in funds, upon presentation to him of a duly certified copy of said order. And in addition thereto he shall be entitled to charge and receive, in civil, criminal, and penal causes, the same fees as sheriffs of this Commonwealth are allowed by law to charge and receive for similar services performed by them. But should said marshal vacate said office from any cause, or be removed by the board of trustees before the expiration of his term, he shall only be paid said salary in proportion to the time served by him.

Salary and fees
of town marshal.

§ 6. The assessor for the town of Warsaw, in addition to the oaths prescribed herein, shall take such oath, and give such bond to the town, and administer such oath to the person listed for taxation, as county assessors are required by law to take, give, and administer; and shall be controlled, as far as the same is applicable, by the laws of the State prescribing the duties of county assessors, and by such regulations as may be prescribed by ordinance of the board of trustees.

Town assessor.

1. If any person, whose duty it is to list his property, or that of a corporation, or the stock held in any banking or other private corporation, when called on for his list by the town assessor, shall fail or refuse to give such list to the assessor, the assessor shall list the same at a fair, reasonable value upon such information as he can get.

ARTICLE VII.

Elections and Terms of Office.

§ 1. The judge of the police court shall, before every

Elections.

town election, appoint suitable persons as officers of the election, two persons as judges, one as sheriff, and one as clerk of the election. Officers of all town elections shall be governed, in all matters not inconsistent with this charter, and be liable to the penalties imposed, by the laws of this Commonwealth governing elections for State officers.

Viva voce.

§ 2. All elections under this charter, by the qualified voters of the town, shall be *viva voce*, and shall be held between the hours of seven o'clock in the morning and six o'clock in the evening.

Illegal voting.

§ 3. All laws in force in this Commonwealth punishing illegal voting at the State elections shall apply to illegal voting in the town of Warsaw for all town officers, subject to all the provisions of this charter touching the qualification of the voter.

§ 4. The board of trustees shall judge of the qualification, election, and returns of its members, and cases of contested elections for any town officer shall be heard and determined by the board, under such rules as may be prescribed by ordinance; and in case of a tie, they shall immediately order a new election.

Poll-books.

§ 5. The poll-books of all elections in the town shall be returned by the clerk of the election to the clerk of the town, who shall keep them on file and issue certificates to the officers elected.

1st general election.

§ 6. The first general election under this charter shall be held on the first Monday in April, eighteen hundred and eighty-four, at which time there shall be elected by the qualified voters all officers directed by this charter to be elected by the qualified voters. The judge of the police court shall be elected on the first Monday in April every two years thereafter, and the board of trustees shall be elected on the first Monday in April annually thereafter.

Legal voters.

§ 7. No person shall be entitled to vote at any town election who is not a male citizen of the United States and twenty-one years of age, and a legal voter under the laws of Kentucky, and who has not resided sixty days in said town next preceding the election at which he offers to vote.

§ 8. If the official bond is not given and the oath of office taken within thirty days of the time when the officer was elected or received notice of his appointment, or of the time when his appointment ought to take effect, the office shall be considered vacant, and he shall not be re-eligible thereto for two years. Time to qualify.

ARTICLE VIII.

Revenue and Taxation.

§ 1. An annual tax of not exceeding forty cents upon each one hundred dollars in value of the real and personal estate directed to be assessed for taxation, due and payable the fiscal year assessed, shall be paid by the owner or person assessed in said town. Ad valorem tax.

§ 2. An annual poll-tax or *per capita* tax, of not exceeding one dollar, may be levied and collected of each male inhabitant of said town over twenty-one years of age. Poll-tax.

§ 3. The town of Warsaw shall have a lien for all taxes, which shall attach on all real estate on the tenth day of January annually; and such lien shall be perpetual for all taxes which may become due said town under this charter, with the interest and penalties in each, until payment; which lien shall not be defeated by gift, devise, sale, alienation, or any means whatever. Lien.

§ 4. All property, choses in action, moneys, deposits, bank stock, stocks of any and all corporations doing business in the town, rights or demands not exempt from taxation under the laws of this State, shall be subject to taxation as herein mentioned for town purposes, and shall be listed and assessed according to the value thereof on the tenth day of January in each year. Tax corporations.

§ 5. At the first regular or special meeting of the board of trustees after the assessor has returned his tax-book, and it shall have been examined and approved by the board of supervisors, or as soon thereafter as practicable, said board shall fix the rate of taxation for that fiscal year, and deliver the said book to the collector of town taxes. Rate of taxation.

§ 6. All taxes hereafter levied by the board of trustees shall be due and payable at the office of the town collector of taxes on the first day of July in each year. If not paid Taxes due.

LAWS OF KENTUCKY.

on or before the first day of September following, ten per cent. thereof shall be added as damages, and collected the same as the taxes. Said damages are for the benefit of the town, and not the collector. The lien herein given for taxes shall apply in the same manner to the damages assessed.

Levy taxes.

§ 7. After the first day of September in each year, it shall be the duty of the tax-collector to immediately levy all uncollected taxes on the property of those owing the same, and to proceed to enforce the lien aforesaid. After making said levy, the tax-collector shall advertise for at least fifteen days, by written or printed notices, the time and place of sale of said property, as in sales of like property under execution. Said lien shall be first enforced on the personal property of the delinquent; and if the same shall not be sufficient to satisfy said taxes, with the damages and costs of sale, then it shall be enforced on the real property of the delinquent. The purchaser of any personal property at any tax sale shall have the full legal title and possession thereof immediately on complying with the terms of the sale. All sales for taxes provided for herein shall be for cash. In selling real property for taxes, the tax-collector shall sell the least quantity thereof that will be sufficient to pay the amount of taxes, with damages and costs. If necessary, from want of bidders, or for any other cause, he may sell the whole of the property levied on, and if no one will bid the full amount of taxes, damages, and costs due, then the tax-collector shall bid the same in for the town of Warsaw, and it shall have the same title to said property so purchased that a private purchaser would have. After making a sale of realty, the tax-collector shall give the purchaser his certificate of sale, which shall contain a description of the property sold, with the price and time of sale. The certificate shall be recorded in the Gallatin county court clerk's office within sixty days after the sale.

Certificate of tax sales.

Redemption.

§ 8. The owner of any real estate so sold, or his agent, or his personal representative, shall have the right to redeem the same at any time, within two years from the day of sale, by paying to the purchaser thereof, or to the county clerk, the amount for which said property was sold, with

twenty five per cent. damages thereon, and all costs thereon, and all taxes paid by the purchaser after his purchase, and interest on the whole of said sums, at the rate of ten per cent. per annum from the day of sale. When payments shall have been so made, as provided herein, the purchaser or the county clerk shall enter in the record-book, on the margin thereof, next to the certificate, the fact of such payment, and such entry shall be a full release of any lien or encumbrance by reason thereof.

§ 9. If the property sold for taxes is not redeemed in the time and manner herein required, it shall be the duty of the town attorney to prepare, and the collector in office to execute, a deed therefor to the purchaser, which shall convey the full and perfect legal and equitable title thereto.

Conveyance of
land sold for
taxes.

§ 10. Nothing herein shall be construed to prevent the tax-collector from levying the taxes at any time after they become due.

§ 11. If the tax-collector of the town of Warsaw, having taxes of any kind or character, or other public dues to the said town in his hands for collection, believes another person is indebted in money or property to the person owing the taxes or public dues, he shall deliver to the person owing the taxes, if in Gallatin county, and to the person owing him anywhere he may be found, or cause it to be done, written or printed notice, in substance as follows: "Mr. A B: The taxes due by C D to the town of Warsaw amount to the sum of \$——. To that extent you are notified not to pay or deliver to him any money or property which you now are, or may hereafter be, indebted to him, and to appear before the police court of said town on the —— day of ——, 18——, to show why you shall not be adjudged to pay said taxes. This —— day of ——, 18——. ——, Collector."

Garnishee.

Notice to garnishee.

§ 12. This notice shall be signed by the collector, and shall operate to enjoin the persons named in it from paying the amount mentioned in the notice, money, property, notes, accounts, or other thing of value owing at the time of service of the notice, or accruing thereafter, until the matter is heard by the police court. On the hearing by said court, the person indebted to the person owing

the taxes shall be compelled to disclose, on oath, in open court, all matters of account or indebtedness, whether for money, property, or labor owing at the date of the notice, or incurred thereafter. The court shall direct the person owing the person from whom the taxes are due to pay or deliver any money, property, or other thing then, or at the time the notice was served, coming to the person owing the taxes, to the collector, to the extent of such taxes and costs, or to the extent of his liability, including such as accrues after notice, though paid or discharged; and if it be property, the collector shall sell the same in the manner he is directed to sell like property when sold for taxes. If the person so indebted to the person owing the taxes fail to attend, or fail to make disclosure, the court shall render judgment against them for all the taxes and costs.

§ 13. The person owing the taxes shall not be discharged from liability for them until they are fully paid, or the amount of them realized from the proceedings aforesaid. All persons indebted to the person owing may be included in the same notice, though residing out of Gallatin county.

Proceedings to
be docketed.

§ 14. The proceeding shall be docketed in the name of the town of Warsaw, and if necessary to the interests of the town, the court may cause other parties to be brought before it, and made parties to the proceedings. The court may hear evidence and direct the payment of the taxes as it may deem proper.

Report of collector.

§ 15. The collector shall make a report, in writing, to the county clerk, signed by him within thirty days after a sale of real estate as provided herein, showing where the sale was made, and to whom, and for what price, and giving a description of the land sold as fully as he is able to do, which report shall be recorded by the county clerk. The fees for recording same are to be paid by the town of Warsaw, and taxed as part of the costs of the sale.

Fees.

Disabilities.

§ 16. Any minor, married woman, or other person laboring under disability, shall have one year after the removal of the disability in which to make the redemption pro-

vided for herein ; but the committee or next friend of a person of unsound mind shall be allowed only five years from the day of sale, or two years after notice in writing by the purchaser, to redeem the same, though the disability shall continue longer. The notice aforesaid shall be returned by the officer executing it, or the person giving it to the county clerk, who shall record and index the same, with the return thereof, in the proper record-book in his office.

§ 17. No lands within the town limits of Warsaw shall be subject to town tax for any purpose, unless the same be laid off into town or building lots, or shall be improved with buildings thereon ; but the residence, gardens, and yards thereto attached, of all persons included in said boundary, shall be subject to taxation : *Provided*, That if said residences, yards, and gardens contain more than two acres, and are attached to and form a part of the farm of the owner or owners, then not more than two acres, including the residence, shall be subject to town tax ; nor shall any live stock kept for grazing, breeding from, and cultivating farming land within the limits of said town, be taxed.

What land subject to tax.

ARTICLE IX.

Spirituous, Vinous, and Malt Liquors.

§ 1. The trustees of the town of Warsaw are empowered with the exclusive right, and are authorized, to grant license to innkeepers, hotel or tavern-keepers, grocers, merchants, druggists, or other persons, authorizing the sale of spirituous, vinous, or malt liquors by the small, and in quantities not exceeding three gallons, within the corporate limits of said town ; and to assess and collect an annual tax on all persons vending spirituous, vinous, or malt liquors, or any mixture of either, under license from said trustees, of three hundred dollars upon each person so obtaining a license.

Powers.

License.

Tax.

§ 2. That all druggists doing business in said town shall be required, before they sell spirituous, vinous, or malt liquors, or any mixture of either, upon a prescription from any doctor or otherwise, to obtain a license from the board of trustees of said town, as in the case of other persons named in this act.

Druggists.

§ 3. That any person desiring to sell spirituous, vinous, or malt liquors under this act, or in said town, shall first pay to the treasurer of said town, who shall receive the same, the sum of three hundred dollars, taking said treasurer's receipt therefor, which shall show for what purpose the money is paid. The applicant for license shall then present said receipt to the said board of trustees, either at a regular or call meeting, who thereupon may issue to such person a license to sell by the drink, or any quantity not exceeding three gallons, spirituous, vinous, or malt liquors, for the period of one year from the date of the license. Should said board of trustees not be in session, the applicant may present said receipt to the chairman of the board of trustees, and it will be his duty, and he shall call a special meeting at any time within three days, and at such meeting the necessary license may be granted. Such license shall be signed by the chairman and clerk of the board, and show for what given and time to continue in force; and when issued in compliance herewith, the person to whom issued shall be authorized to sell as herein directed: *Provided*, That nothing herein contained shall be so construed as to exempt the applicant for any such license from paying to the State fifty dollars fee for such license heretofore imposed by the General Statutes.

Oath.

Bond.

§ 4. Before the board of trustees shall issue a license to any person or persons to sell spirituous, vinous, or malt liquors under this act, they shall require of such person or persons to take an oath before the chairman of the board of trustees in substance that he intends to and will keep an orderly house, and to enter into an obligation, with good security, to be approved by the board, and in open session of the board, to the Commonwealth of Kentucky, in substance as follows: Whereas, A. B. has obtained a license from the town of Warsaw to sell spirituous, vinous, or malt liquors within the corporate limits of said town, and in any quantity not to exceed three gallons. Now, we, A. B. principal, and C. D. his surety, do hereby covenant and agree that the said A. B. will not sell spirituous, vinous, or malt liquors to any minor, nor to any known inebriate, nor

to any person who is drunk at the time, and will not suffer any gaming in his house or on his premises, and will not suffer any person to tipple or drink to excess in his house or on his premises, or at any time suffer or permit any scandalous or disorderly behavior in his house or on his premises. Given under our hands this — day of —, 18—. A. B., C. D. Attest: —, Clerk of the board. Said bond shall be attested by the clerk of the board, and may be sued on by any person aggrieved by its violation.

§ 5. That any person who shall sell spirituous, vinous, or malt liquors, or any mixture of either, or without first having obtained a license as provided by this act, shall be fined fifty dollars for each offense, and each selling shall be deemed a separate offense. Fines.

§ 6. That all laws, general or local, regulating or prohibiting the sale of spirituous, vinous, or malt liquors in said town, except as herein provided, so far as they pertain to the town of Warsaw, are hereby repealed. Repeal.

§ 7. That any laws authorizing the county court of Gallatin county to grant license to tavern-keepers or other persons retailing spirituous, vinous, or malt liquors, or authorizing the clerk of said court to collect any tax on such license, or to punish any person for selling spirituous, vinous, or malt liquors, or any mixture of either, without having first obtained such license from the county court, so far as the same may apply to the town of Warsaw, shall be, and they are hereby, repealed.

ARTICLE X.

Fees.

§ 1. The board of trustees shall regulate and fix, by ordinance, the fees of all officers of said town, not otherwise provided for by this charter, and provide for the payment of the same.

ARTICLE XI.

Miscellaneous Provisions.

§ 1. All general laws relating to towns and cities, and not inconsistent with the provisions of this charter, shall apply to the town of Warsaw. General laws.

Officer—bail.

§ 2. Any officer authorized in this act to execute any process requiring or allowing bail, shall have the authority to take the bail.

§ 3. The marshal, clerk, and treasurer of said town are prohibited from buying, discounting, or dealing in any way in vouchers or claims against the town, under a penalty of ten dollars for each offense

Term of office.

§ 4. The term of office of all officers elected by the qualified voters of the town, or appointed by the board of trustees, shall begin, and they shall enter upon the discharge of their duties, as soon thereafter as they shall have qualified thereunder as required by the provisions of this charter.

Adoption and repeal.

§ 5. This charter shall go into effect and be in full force as a law on and after its passage, and thereafter be the charter of the town of Warsaw; and all acts or laws, general or special, heretofore enacted, coming in conflict with this act, or any provision thereof, are hereby repealed: *Provided, however,* And it is hereby enacted, that the members of the present board of trustees of said town are hereby appointed trustees for said town under this charter, all of whom shall continue in office under the oaths they have taken until their successors are elected and qualified, in pursuance of the provisions of this charter: *And provided further,* That the chairman of the board of trustees shall appoint the officers of the first general election to be held under this charter: *And provided further,* That all laws now in force prescribing the duties and fixing the responsibilities of securities on their official bonds are continued in full force until their successors are elected and qualified, in pursuance of the provisions of this charter: *Provided,* That the question of whether this act shall be accepted by the town of Warsaw or not shall be submitted to the qualified voters of said town at any special or general election, to be ordered by the board of trustees of said town at any time, after giving ten days' notice of the time and place of holding said special election; and this act shall be null and void, unless at said special or general election a majority of the qualified voters entitled to vote in said town shall, at said special election, vote in favor of accepting all the provisions

of said act; and if said act shall be so accepted and approved, it, with all its provisions, shall become operative and in full force ten days after it is so ratified and approved.

Approved March 31, 1884.

CHAPTER 527.

AN ACT to incorporate the Flat Rock and Long Run Turnpike Road Company, and to authorize subscriptions of stock thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thos. I. Long, J. C. Gough, H. C. Moss, V. I. Long, and C. A. Speer, and their successors and associates, be, and they are hereby, created a body-corporate, under the corporate name of the Flat Rock and Long Run Turnpike Road Company; and by said name shall have power to contract and be contracted with, to sue and be sued, in this State.

§ 2. The said company is authorized to construct a turnpike, macadamized, or gravel road, from Flat Rock Church, in Shelby county, Kentucky, to a point at or near the village of Boston, in Jefferson county, Kentucky, to be located on the most practicable route between said points as determined by said company. The capital stock of said company shall be five thousand dollars, divided into shares of fifty dollars each. The capital stock may be increased to ten thousand dollars at any time by the vote of a majority of the stockholders. Any of the above named incorporators may open books for the subscription of stock to said company, and may receive subscriptions of same. When the sum of twenty-five hundred dollars or more has been subscribed to the capital stock of said company, the above named incorporators, or a majority thereof, shall give ten days' notice of the time and place for an election of a board of directors and of a president, secretary, and treasurer of said company; and at the time and place specified in said notice there shall be elected, by a majority of the number of shares then voting, a board of directors, consisting of five stockholders, and said board shall then elect from their body

a president, secretary, and treasurer; all of said officers shall hold their office for one year, and until their successors are qualified. The time and place of all elections after the first shall be fixed, and due notice thereof given by the directors. A majority of the board of directors shall constitute a quorum for business.

§ 3. Said company shall have the right of perpetual succession, and all the privileges and franchises incident to such corporations. It shall be capable of holding such lands, tenements, and personal property, by purchase or otherwise, as may be necessary for the prosecution of its work and the purposes of this corporation.

§ 4. Subscriptions of work to be done on said turnpike, per contract, by reliable person or persons, shall be estimated in the capital stock of said company; and when twenty-five hundred dollars shall have been subscribed to the capital stock of said company, the work on same may be let out or done at such places or on such parts of the line of said road as the directors may think best and direct. The width of said road shall not exceed forty feet, and the width of metal or gravel on same shall not be less than ten feet. The said company shall have the same rights and privileges in reference to right of way and material for construction now held by like corporations under the general laws of this State, and the same rights and privileges as to toll-houses, toll-gates, and the collection of toll. But no toll shall be collected on said road until three miles of same shall be completed and received by the directors.

§ 5. The president of said company shall call a meeting of the board of directors when he thinks proper, or on the application of two of the directors. The said board may require a bond of the treasurer for the faithful performance of his duties as such. The said board shall keep a record, in a book kept for that purpose, of their acts and proceedings, signed by the president and secretary. Said board may make any by-laws and regulations for the government of said company they may think proper, not in conflict with this act and the general laws of this Commonwealth.

§ 6. The county court of Shelby county may make subscriptions of stock to said company in the amount and in the manner now prescribed by law in reference to subscriptions of stock to turnpike companies in Shelby county; but no part of the subscription of Shelby county court shall be used on said road outside of the limits of Shelby county.

§ 7. Certificates of stock in said company shall be signed by the president and countersigned by the secretary, shall be deemed personal property, and shall be transferable in such manner as the board of directors may prescribe.

§ 8. The president of said company shall preside at all meetings of the board, or of the company, when present; if he be absent, some other member of the board may be selected to preside by a majority of the members present; he shall have a vote on all questions before the board or meeting. The secretary of the company shall make and keep a full and correct record of the acts and proceedings of said company and board, which shall at all times be open to the inspection of any stockholder in said company. The treasurer of said company shall be the custodian of all the funds of said company, shall receive all money paid in for its use, and shall pay out same on the written order of the president, countersigned by the secretary.

§ 9. The capital stock in said company shall be used in the procurement of the right of way, material, and construction of said road, and defraying all legitimate expenses in constructing said road, and for no other purpose. The stockholders in said company shall be bound for the liabilities of said company only to the extent of their stock in same.

§ 10. In all elections of said company, and in voting on all questions in any meeting of said company, the majority of the number of shares of stock then voted shall control; but in meetings of the board a majority of the members of the board present shall control.

§ 11. This act shall take effect from and after its passage.

Approved March 31, 1884.

CHAPTER 528.

AN ACT to amend an act, entitled "An act amending and reducing into one the several acts relating to the town of Scottville," approved February twenty-eighth, one thousand eight hundred and sixty, and the amendments thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all of section one of an act, entitled "An act amending and reducing into one the several acts relating to the town of Scottville," approved February twenty-eighth, one thousand eight hundred and sixty, which follows the words "courts and places," in the seventh line of said section, be, and the same is hereby, stricken out, and in lieu of the part of said section so stricken out the following be inserted as part of said section, to-wit: "And said corporate limits of said town shall be in the form of a square, the sides of which shall be two thousand yards in length—two thousand yards running east and west, and two thousand yards running north and south; the nearest point of all of which lines shall be equally distant from the center of the court-house. The four corners of the corporate limits as established by this act shall be marked and designated by corner-stones, with the letters T. L. carved thereon.

§ 2. That in addition to the power and authority now conferred upon the trustees of said town, they shall have the power and right to open and establish new streets and alleys within the corporate limits of said town, by application to the police judge of Scottville, by written petition designating the line of the street or alley it is desired to have opened; and unless the owner of the land over which the proposed street or alley is to pass consents to the opening of same, the trustees shall cause a notice to be served upon him, and the application shall be conducted in all respects as an application for the opening of a road or pass-way is now required to be conducted by chapter ninety-four of the General Statutes; and the police judge is empowered to summon a jury for the assessment of damages. But the said trustees may cause any street or alley to be opened in said town without application to the police judge, when

there is no objection thereto, and when they can agree with the owner of the land over which the proposed street or alley runs. In the event that damages are awarded the owner of any land over which any street or alley runs, the town of Scottville shall pay costs, except that if no greater damages are awarded by the jury than the trustees offered, the owner of the land shall pay the cost.

§ 3. That whenever a tax is levied as provided by the charter of said town of Scottville, both a poll-tax and an ad valorem tax shall be levied, and neither shall be levied alone for any purpose; and in making said levy the poll-tax and ad valorem tax shall be proportionate as nearly as practicable to the maximum tax allowed by the charter of said town of Scottville to be levied, so as to equalize the poll-tax and ad valorem tax as nearly as may be done.

§ 4. That in all civil cases the jurisdiction of the police judge of the town of Scottville shall be co-extensive and concurrent with that of the judge of the Allen quarterly court, and the said judge of the police court shall hold regular terms on the fourth Monday in each month for the trial of civil cases. And the said judge of the police court for the trial of civil cases, for the recovery of money or property, shall have jurisdiction when the amount in controversy, exclusive of interest and cost, does not exceed three hundred dollars.

§ 5. All acts or parts of acts in conflict with this act are hereby repealed.

§ 6. This act shall take effect and be in force from and after its passage.

Approved April 2, 1884.

CHAPTER 529.

AN ACT to provide for working and keeping in repair the county roads in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Campbell county, at its May or June term, one thousand eight hundred and eighty-four, at Alexandria, shall lay off the county roads in said

county, outside of the city of Newport, the towns of Bellevue, Dayton, Alexandria, and California, the District of Highlands, and Hayfield District, into county road districts, and appoint a surveyor of the county roads in each of said districts, who must be a resident qualified voter of the district at the time of his appointment, and who shall hold his office during two years, and until his successor shall be qualified. At the expiration of every two years from the time of the first appointments similar appointments of surveyors shall be made by said court. Said surveyors shall, before acting, take an oath to discharge their duties faithfully and impartially. In laying off said districts said court may, if it deem best, make the county roads in Cold Springs District one road district, and so of any voting precinct.

§ 2. Whenever a vacancy shall occur in the office of surveyor, said court may appoint another surveyor to fill such vacancy. The said court may remove a surveyor for misconduct in office, or for inability to perform its duties; and for sufficient cause, may allow a surveyor to resign his office, in which case a successor shall be appointed. All male persons residing in said districts, between the ages of eighteen and fifty years, who are able to work, except ministers of the gospel and postmasters, shall be liable to work on the county roads in their respective districts, under the directions of said surveyors, not less than two nor more than four days in any one year. The implements owned by said county used for working the public roads shall be equitably distributed amongst said surveyors for use in working their respective roads; and nine hours shall constitute a day's work, of which the surveyor shall keep count, and make report of same to said court. Any person liable to work on said roads, unless in case of sickness, or furnish an acceptable substitute, after notice as herein provided, shall be fined not less than two dollars nor more than five dollars for each offense, before a justice of the peace, upon a warrant in the name of the Commonwealth of Kentucky; and upon failure to pay or replevy such fine, such person shall be committed to the county jail for a period not longer than at the rate of two dollars per day. *A capias pro fine* may issue

when necessary as in other cases under the law. The county attorney shall, when notified, prosecute such delinquents, and in his absence the justice may appoint an attorney to represent the Commonwealth in the case ; and said prosecutor shall receive for his fees one half of the fine when collected ; the other half shall be paid over to the county treasurer, or road treasurer, if one shall be appointed, and by said treasurer placed to the credit of the district from which such fines shall be collected.

§ 3. As soon as can be after the appointment of said surveyors, and not later than ten days thereafter, the clerk of said court shall make copies of the orders of said appointments, with description of their districts, and one additional copy for each, which copies shall immediately thereafter be delivered by said clerk to the sheriff, or some officer authorized to serve notices ; and said officer shall deliver a copy of the order so received to the surveyor entitled thereto within ten days after he shall have received such copies ; and he shall make return of service to the next succeeding term of the county court at Alexandria. As soon as said surveyors shall have received the said copies of the orders of their appointment for the year one thousand eight hundred and eighty-four, they shall make and return to the next county court at Alexandria a list of those persons liable to work on the county roads in their respective districts under this act ; and the court shall examine said lists, and, if necessary, count them, and return them to the said surveyor ; and the surveyors may list any person able to work between the required ages who may have been omitted through oversight or mistake. As soon as said lists shall have been thus delivered back to said surveyors, in the year one thousand eight hundred and eighty-four, and not later than the twentieth day of September, one thousand eight hundred and eighty-four, they shall proceed to work their respective roads as required by this act ; and every succeeding year said roads must be so worked and put in good condition for public travel between the first of April and the first of June, and between the first of August and the twentieth of September. These

special times for working the roads shall not release said surveyors from their liability to keep their roads at all times in good condition for public travel. Three days' notice, verbal or written, must be given by the surveyor, or by some person for him, to the persons required to work on said roads, and must be given the father for his infant son ; if the father be dead or absent, then to the mother ; and to the guardian for his ward, unless he be absent, when notice shall be given the ward. Written notices may be served by any officer authorized to serve notices, and in the manner required by the Code of Practice of this State. A private person may execute a notice, making affidavit of the same. Surveyors shall have credit for time taken in notifying hands on their time, and taxes at the rate of one dollar and twenty-five cents per day ; and the surveyors, for making lists of hands in one thousand eight hundred and eighty-four, shall be allowed compensation at the same rate for necessary time, to be paid out of the taxes which shall be collected from their respective districts by the treasurer, on order of the county court. It shall be the duty of said surveyors to keep their respective roads well ditched on the sides, and so raised in the middle as to carry off the water ; and make necessary culverts and bridges, when such culverts and bridges can be made by the work and taxes due and convenient thereto ; but no culvert or bridge shall be built, requiring of said taxes to be worked out on same, at a cost more than eight dollars, without first having an order for the building of the same from the county court ; and when so ordered, the money appropriated shall be paid out of the taxes collected from the district when the work shall have been done. Surveyors may call out the hands at any time to remove obstructions in said roads ; and if the time required shall be as much as one fourth of a day, he shall credit the person working for the time ; and if in taxes, at the rate of one dollar and twenty-five cents per day.

§ 4. The surveyor shall report delinquents to the justice for prosecution, and his account kept against such person shall be *prima facie* correct. The assessor of Campbell county for the year one thousand eight hundred and eighty-

five, and every year thereafter, at the time he assesses the property for revenue purposes, shall take and return a list of the persons in each district liable to work on the county roads under this act. He must also show on his book the names of owners of property in each district, and the property such persons owns, and value thereof, all of which must be shown by number of district and otherwise, that the list of hands and property in each district may be easily ascertained. His assessment of property for revenue purposes shall be taken as the assessments of values and description of property for road purposes. The tax-payer for road purposes shall have his taxes applied in the district where he may reside: *Provided*, That where most of the land of such person shall lie in a district other than the one where he may reside, the county court may determine in which district such person shall work, and have his taxes applied. For so listing and returning the assessments for road purposes under this act the county assessor shall be allowed the sum of two cents for each list, the name, age, and property to be taken as one list, to be paid out of the road fund of the district. The county clerk, at the time he makes out the sheriff's tax-book for one thousand eight hundred and eighty-five, and annually thereafter, shall make out the lists for road purposes for each district with name of surveyor; and he shall also note and designate on the sheriff's book the road lists, so that his book will show the road tax-list, and the district in which the person and his property belongs for road purposes.

§ 5. The lists so made out by the clerk shall immediately thereafter be delivered to some officer authorized to serve notices, who shall, within ten days thereafter, deliver the same to the said surveyors respectively, and make return to the county court showing such service. The clerk shall keep a road-book, in which shall be noted and described said districts, names of surveyors, and lists of persons liable to work in each district, and other lists as the county court may direct.

§ 6. The county judge of Campbell county, and the justices of the peace residing in the said road districts, who

may be present sitting as a court together, at the October term, one thousand eight hundred and eighty-four, and annually thereafter, shall assess and levy a county road tax on all the property in said road districts that may be subject to assessment for general revenue purposes, of not less than eight nor more than ten cents on the one hundred dollars' worth of property. The tax so levied shall be a lien on said property, the same as taxes for revenue for State purposes. Any person shall have the right to work out the amount of his or her taxes on the county roads in his or her own district, under the direction of the surveyor, at a price per day of not more than one dollar and twenty-five cents, for which the surveyor shall give a receipt, and which shall be received by the sheriff on account of payment of said road taxes; and the sheriff or other officer taking up said receipts, when charged with the tax, shall have credit therefor in his settlement. The county court may appoint a road treasurer, taking from such treasurer a good and sufficient bond, with security, for the safe-keeping of and proper disbursement of all moneys received from all sources for county road purposes, or said court may direct said moneys to be paid into the county treasury, and in either case not to be paid out, except on the order of the county court. The treasurer shall keep an account with each road district, and shall receive such compensation as the county court may allow, not exceeding five per cent. on the amount of money received for his compensation; and shall settle his accounts annually, at such times as the court may require. Any money that may be necessary to be appropriated out of the road fund in the treasury must be applied on the roads, culverts, or bridges in the district from which it shall have been collected. The sheriff or other officer who may collect said road tax shall not coerce its payment by legal proceedings until the twentieth of September next after the levying of said road taxes. The sheriff or other officer, before he makes collection of any of said tax, shall give a sufficient bond, with good security, in said court, for the collection and paying over said tax, and for the due settlement of his accounts with the county court each year.

If the sheriff fail to execute the required bond, when required, the court may appoint a collector of said tax. Such officer shall be allowed, as compensation for collecting, the same fees as allowed for collecting the county levy, to be paid out of the money collected from each district respectively, on allowance by the county court, after settlement of his accounts. All surveyors of roads in said districts shall, annually, make report to the court of claims for said county at Alexandria, of the condition of their respective roads; the work and money expended thereon, and the names of delinquents, and amount of work and money due from each. Any surveyor failing to perform his duties as herein required shall be fined in a sum not exceeding twenty five dollars for each offense, recoverable in the name of the Commonwealth of Kentucky, as before provided herein, or by indictment in the criminal court of the county; and such fines, less attorney's fees as allowed by law, shall, when collected, be paid over to the treasurer, and by him placed to the credit of the district of said supervisor. When, in the opinion of the county court, from satisfactory evidence the required necessary time and labor of the surveyor in any district shall be of greater value than the compensation herein allowed, the court may make an additional allowance to such surveyors as may be reasonable; but not in any such case to exceed twenty dollars, which shall be paid out of the taxes collected from his district. Chapter ninety-four (94), and the provisions therein of the General Statutes of this State is hereby adopted and made part of this act, except when it comes in conflict therewith; and all laws for the working of the county roads in the territory herein described, and directed to be laid off into county road districts in Campbell county, are hereby repealed: *Provided*, That so much of the Campbell county road law, approved April fifteenth, one thousand eight hundred and eighty-two, as may be necessary for the fulfillment of the contract entered into in the year one thousand eight hundred and eighty-three by George Gantry, for the working of the public roads in said county for one year, shall remain in full force and effect.

§ 7. This act shall take effect and be in force on and after the fifth day of April, one thousand eight hundred and eighty-four.

Approved April 3, 1884.

CHAPTER 531.

AN ACT to amend the charter of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the corporate title of the board of trustees of the Male High School, the Female High School, and the public schools of the city of Louisville, be changed to that of the "Louisville School Board;" and in said name it shall have power to sue and be sued, to contract and be contracted with, to make and use a common seal, and to alter the same at pleasure; to purchase, take by gift, grant, or devise, and to dispose of any real or personal estate; and in general to do all acts, and to have and enjoy all franchises and privileges heretofore pertaining to said board under its former title.

§ 2. That it shall be the duty of the Louisville School Board, on or before the first of June, in the year one thousand eight hundred and eighty-eight, and every fifth year thereafter, to prepare, mail, and cause to be placed in the hands of the Superintendent of Public Instruction, a report, certified by the county judge or clerk as having been sworn to by the president or secretary of said board, showing the whole number of white and black children between the ages of six and twenty years residing within the school district of the city of Louisville.

§ 3. That for the years in which the census is not hereby required to be taken the said board shall, on or before the first of June in each year, prepare, mail, and cause to be placed in the hands of the Superintendent of Public Instruction, a report, duly certified, of the number of children as shown by the last preceding report or census, with such an increase or addition to that number as is ascertained to be the annual increase of the children in the district, upon

averaging the yearly increase, during the five years next preceding the filing of the report: *Provided, however*, That the board may cause an actual census to be taken in any of such years, and so report to the Superintendent as heretofore required to be done in every fifth year.

§ 4. The board shall appoint a suitable person to take the census, who shall certify his report of the census to the board before some judicial officer, and who shall be paid a reasonable compensation for his service.

§ 5. That section two of "An act to amend the charter of the city of Louisville," approved April eighth, one thousand eight hundred and eighty-two, be so amended that merchants who pay a license to transact their business shall, for school purposes, be taxed on their goods and merchandise.

§ 6. This act shall be in force from and after its passage; and all acts in conflict therewith are hereby repealed.

Approved April 3, 1884.

CHAPTER 532.

AN ACT to amend the charter of the Paducah and Lovelaceville Turnpike or Gravel Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend the charter of the Paducah and Lovelaceville Turnpike or Gravel Road Company," approved April nineteenth, one thousand eight hundred and eighty-two, be, and the same is hereby, repealed.

§ 2. That an act, entitled "An act to repeal the act of March thirty-first, one thousand eight hundred and eighty, and to amend the charter of the Paducah and Lovelaceville Turnpike or Gravel Road Company, and to re-enact part of the charter of the Bowling Green and Scottsville Turnpike Road Company as a part of the charter of the Paducah and Lovelaceville Turnpike or Gravel Road Company," approved March tenth, one thousand eight hundred and eighty-two, be, and the same is hereby, repealed.

§ 3. That at any time, when sufficient stock shall be subscribed, to be paid either in money, materials, or work appropriate for the construction of said road, sufficient to grade said road in sections of one mile, then the directors of said road shall proceed without delay to have said mile of said road graded, graveled, and completed, and said company shall so continue in the construction of each mile of said road, when there shall be sufficient stock subscribed as herein provided, until the said road shall be completed to the terminal point named in the charter of said company.

§ 4. That in the construction hereafter of said road, the same may be constructed not less than fifteen feet in width of metal or gravel, and not wider than forty feet; and said company shall rail all bridges, and fence or rail all fills on said road when, from the surface to the bottom, it is five feet or more in depth perpendicular.

§ 5. If said company fail for twelve months to begin and continue the construction of any one mile of said road after stock sufficient has been subscribed as herein provided (to grade one mile of said road), then, by reason of said failure, said company shall forever forfeit the charter thereof, and shall no longer exercise any of the rights or privileges granted by said charter.

§ 6. That it shall be unlawful for any person, after the expiration of the twelve months provided for in the fifth section of this act, to keep any gate or other obstruction across said road preventing free passage thereover, or demand or receive any toll or other consideration for the privilege of traveling on said road, if any person at any time; and any person doing any of the things or acts forbidden in this section shall be liable, together with each of the directors and stockholders in said road, to a fine of not less than ten nor more than fifty dollars, recoverable before the judge of the county court or any justice of the peace, by warrant of arrest in the county of McCracken.

§ 7. This act shall take effect and be in force from and after its passage.

Approved April 3, 1884.

CHAPTER 533.

AN ACT to amend the charter of the Southern Exposition Company, at Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act approved March sixth, one thousand eight hundred and eighty-four, entitled "An act to incorporate the Southern Exposition Company, at Louisville," is hereby amended to empower said company, when so ordered by resolution of the board of directors, and after the amount of four hundred thousand dollars has been subscribed to the capital stock, to accept and receive in payment of further subscription to capital stock shares of stock in said company at such rate as may be agreed on between the subscriber and said company through its president. And said company may hold as an asset shares so obtained, or may retire and cancel same as may be ordered by the board of directors.

§ 2. Section one of said act mentioned in the preceding section is hereby amended by inserting after the words "hold, sell, mortgage, and otherwise dispose of its property," these words: "and issue bonds to an amount not exceeding its paid-up capital stock, in such denominations as the board of directors may order, and secure the same by mortgage or mortgages on all or any part of its property and franchises."

§ 3. This act shall take effect from and after its passage.

Approved April 3, 1884.

CHAPTER 534.

AN ACT to incorporate the Campbell County Protestant Children's Home.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Joseph Maier, John W. Schneider, J. H. Eyer, Adam Wagner, jr., John Gunkel, L. Constans, Charles Wiedemann, E. Remme, F. W. Biehi, H. Goessler, J. P. Weckmann, John Hetsch, August Boehme, F. Hoyer,

John Link, Henry Abel, G. Brandstetner, S. Shory, H. Wiese, sr., A. Dilling, sr., H. Ebert, Jacob Kohrmann, August Kordel, Henry Schmidt, Jacob Matz, Henry Weidner, Wm. Rodenburg, John F. Benning, Gustav Bentelspacher, Charles Fechter, G. A. Holzhauer, L. D. Ermert, Tonis Brandt, C. Gotthardt, H. Nordemann, H. Scherer, E. Wolff, P. Hohmeister, Charles Theis, Jacob Kilmer, E. C. Topie, George Pickelmann, F. Muller, H. Risch, H. Weber, of the city of Newport; John Trapp, and Martin Hermann, of the city of Dayton; and George H. Ahlring, Peter Schmidt, John Weber, J. Rachmann, R. Koestlin, J. T. Reitz, Valentine Braun, Peter Hess, and G. L. Trapp, of the county at large, and their associates and successors, be, and are hereby, created a body-corporate, with perpetual succession, under the name and style of the Campbell County Protestant Children's Home, to be found and established in or near Newport, Kentucky, a home for the friendless, homeless, unprotected children or orphans. It shall have the power to adopt a seal, and alter the same at pleasure.

§ 2. Said corporation shall be governed or controlled by a board of twelve directors, who shall be elected by the members on the first Monday of January in each year, who are hereby fully empowered to make and ordain by-laws, rules and regulations, which may be required for the successful governing, controlling, and maintenance of said corporation, not inconsistent with the laws of the Commonwealth of Kentucky or of the United States.

§ 3. The said directors shall hold their offices, and shall be divided into three classes, two for one year, four for two years, and four for three years, and until their successors are elected; and all vacancies shall be filled by a majority of said board.

§ 4. The members of said corporation shall, within twelve months after the approval of this act, and after a public advertisement in a newspaper, call a meeting at some designated place in the city of Newport, and proceed to elect a board of directors; and said board will then proceed to organize said corporation by an election

from the board of directors a president, vice-president, secretary, and treasurer of said corporation, who shall hold their offices for one year, and until their successors are elected; they shall then proceed to take such steps to procure, by donation, or purchase a necessary site in or near Newport, Kentucky, for the erection of the necessary building or buildings suitable for a children's home as shall seem to them necessary.

§ 5. The said board of directors shall have power to appoint, and fix their terms of service, a board of managers, outside of the board of directors, and such other officers, agents, and employes as they shall deem necessary, all or any of whom shall be removable at the pleasure of the board of directors; the duties and compensation of said managers and of said employes shall be defined and fixed by the by-laws of the corporation.

§ 6. The said directors shall keep a record of all its proceedings, certified copies of which shall be evidence in all courts in this State; they may sue and be sued; and all property said corporation may have shall be liable for the debts of the said corporation; but the private property of the members shall not be liable for the debts of the corporation.

§ 7. The corporation hereby created as the Campbell County Protestant Children's Home are hereby empowered, and it shall be lawful for said corporation through its board of directors, to take under its guardianship, tutelage, and control, into said home, children under twelve years of age, and to provide for their support, care, and maintenance in either of the following modes:

First. Children under twelve years of age, whose parents are dead, and whose application has been received and accepted by the board of directors.

Second. Children under sixteen years of age, whose parents are living, and who were placed in said home by said parents as students, and paid for as prescribed by the by-laws of said home.

Third. Children under fifteen years of age, whose parents were members in good standing, to be admitted free.

§ 8. The said corporation, through its board of directors, shall have the guardianship of said children committed to them during their minority, and shall have power, for good cause, within their discretion, to dismiss said children, and again to take charge of them if it be deemed advisable by said board of directors. Said directors are empowered, whenever in their discretion it shall seem to be proper, to place said children under their guardianship or control in suitable homes, having scrupulous regard to the religious and moral principles of those with whom said children are placed, in order to secure to them the benefit of good example and wholesome instruction, and the opportunity of becoming intelligent and useful men and women. Said corporation, through its directors, shall require an agreement to be entered into that each and every child so placed shall be furnished with good and sufficient food and clothing, and a suitable common school education, and given kind and humane treatment; any person receiving such child or children from the directors of the corporation, under the provisions of this act, shall not assign or transfer his, her, or their services for any period without the written consent of said board of directors of said corporation; and if for any cause any person or persons so taking charge of a child or children desires to be released from the contract, the board of directors, upon application, may, in their discretion, cancel the same, and resume the charge and management of said child or children, and shall have the same power and authority over said child or children as before said agreement was made: *And provided always*, That the said board of directors shall have power to remove a child or children from a home when, in their judgment, the home has become an unsuitable one; and they shall, in such cases, resume the same power and authority over said child or children that they originally possessed; and no agreement for the placing of said child or children, by said board of directors, in a family shall be valid without an express stipulation contained therein for the removal of such child or children from said home when the directors deem such removal necessary.

§ 9. The said corporation, through its directors, shall have power to indenture any child or children committed to their custody in said home, when, in their discretion, it shall be deemed best, subject to all the limitation, qualification, and restriction contained in the last foregoing section of this act.

§ 10. Five members of the board of directors shall constitute a quorum.

§ 11. The corporation is hereby authorized and empowered to hold and acquire by bequest, legacy, gift, or subscription, and may purchase and transfer real estate to the amount of one hundred thousand dollars; and the corporation shall hold or use either the principal or interest, or both, of estates given to it by bequest, legacy, or subscription, using it in the manner and terms prescribed by the donor or testator, but within the purposes of this corporation, for the use of said home, and the construction of the necessary buildings and adjacent grounds, and in addition, personal property, money, bonds, notes, mortgages, securities, policies of insurance, chose in action, and the same to hold, retain, invest, use, and apply to the support and maintenance of the said Campbell County Protestant Children's Home by said directors and their successors, to an amount, the interest, profits, and proceeds of which shall not exceed thirty-five thousand dollars per annum; and all of which real and personal estate shall be held in the name of the Campbell County Protestant Children's Home and their successors, for the sole and exclusive establishment, support, and maintenance of said home and its inmates. Both the personal and real estate, buildings, moneys, credits, and etcetera, and all of the property of every description, held by the corporation hereby created, or held for its use, are to be, and are hereby declared to be, exempt from all taxation for State or municipal purposes, ordinary or extraordinary, as long as the same is used and consecrated to the Campbell County Children's Home.

§ 12. This act shall be in force from its passage.

Approved April 3, 1884.

CHAPTER 535.

AN ACT to amend the charter of the city of Dayton, Campbell county, and to authorize its city council to issue street improvement bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

§ 1. The city council of the city of Dayton, in Campbell county, Kentucky, is hereby duly authorized to issue bonds of said city, to be called "Street Improvement Bonds of the City of Dayton," under the conditions specified in this act.

§ 2. Said city council is hereby vested with power to cause the opening and improvement in the original construction of any street, or part of street, alley, lane, road, avenue, or thoroughfare in said city, by grading, paving, graveling, macadamizing, or in any other manner, or with any other material they may deem best, upon a petition of the owners of a majority of front feet abutting on that part of a square or squares of the street, alley, lane, avenue, or thoroughfare to be improved. Said city council may, however, cause said improvements to be made without such petition, if two thirds of the members concur therein on a call of the yeas and nays, which shall be recorded on the journal.

§ 3. The grade of the street, and so forth, to be improved, shall first be established, and an estimate of the work required to be done thereon ascertained before the ordinance providing therefor shall be passed; and the expense thereof, including the intersections and crossings adjoining, which shall be added thereto, and distributed pro rata thereon, be fixed, before any contract shall be entered into by said city for said improvement; said grade, estimate, and expense shall be embraced in and form part of said contract. All work done and material furnished for such improvement shall be under the immediate supervision and inspection of the president of council, a civil engineer appointed by the city council, and the chairman of the street committee of said council, whose duty it shall be to see that all work is done and material furnished in accordance with the contract.

§ 4. Said city council shall cause an advertisement of such proposed improvement to be made according to the plans and specifications of the engineer on file in the office of city clerk of said city; and at the next regular meeting of said city council, after such advertisement is made, said council may receive bids for such work, and shall award the contract to the lowest and best bidder, reserving the right to reject any or all bids.

§ 5. Upon the awarding of such contract, said council shall enter in a written contract with the accepted contractor for such improvement according to said plans and specifications; the work to be done under the inspection, and subject to the approval, of said president of council, said chairman of the street committee, and said engineer. A lien is hereby granted to said city for said contractor on all the property abutting on any such street so proposed to be improved for the payment of said work and material from the time said contract is awarded, and may be enforced as other liens are enforced: *Provided*, That the course hereinafter specified shall not destroy any lien the city may have under this act. Said contractor shall be paid within sixty days from the time the said work is completed and accepted by the said parties before mentioned.

§ 6. Said city council shall, upon the awarding of said contract, cause the bonds of said city to be issued in an amount equal to the amount of the contract, in such denominations as the said council may determine. Said bonds shall be issued in book form, with stub attached, showing the number of the bond, the name of the street, the squares or lots to be improved, the amount of the bond, the date of issue, and the name of the holder. Said bonds shall run for ten years from date of issue, shall be made payable at the office of the city treasurer of Dayton. They shall recite this act by its title and date of approval, and shall show that a lien is reserved on the property to be improved, reciting the street and squares. They shall be called street improvement bonds of the city of Dayton. They shall be numbered, commencing with the number one. They shall

bear interest from date, payable semi-annually, and shall have interest coupons attached for each semi-annual installment of interest; the coupons of each bond to be numbered serially from one to twenty, inclusive. Each of said bonds shall be signed by the president of council and countersigned by the city clerk, and shall have the seal of the city affixed thereto. Each of said coupons shall be signed by the city clerk. Said bonds and coupons shall be made payable to bearer, shall pass by delivery, and when issued and disposed of as herein provided, shall have the force and effect and be placed upon the same footing as bills of exchange. Said bonds, when prepared, or portions of them, as squares of streets, may be improved and accepted from time, may be disposed of by the city council to the contractor, or any one else, at not less than their par value.

§ 7. It shall be the duty of said engineer, upon the awarding of any such contract, to ascertain the expense of such improvement per front foot on such street to be improved, including all intersections and crossings on said street or part of street, and distribute the same pro rata on the front foot of lots abutting on such street.

§ 8. Said council shall, before the improvement is made, cause an abstract to be made ascertaining the present owners of all lots abutting on the street to be improved, the expense thereof to be taxed in the estimate; and upon the engineer's estimate of the cost per front foot, the city clerk shall, annually, when he makes out the tax-bills of the said city, make out the tax-bills of the owners of real estate fronting and abutting on such improved street or part of street, in such manner as to pay off the lien against such realty for such improvement in ten years, attaching the same to the amount due from the tax-payer for city purposes, including the interest on the sum unpaid each year, and such tax-bills shall be a lien on such realty for the amount specified in the estimate: *Provided*, That any owner of real estate fronting or abutting on any such improved property may pay the amount assessed against him, within sixty days after the work is completed and accepted

as above set forth: *And provided further*, That such owner may pay the amount due from him at any time by paying one year's interest thereon; and said city shall have the right to redeem any such bond so issued at the end of any year by paying one year's interest thereon.

§ 9. The amount received by the said city from such source shall be kept separate and apart for the purpose of paying said bonds, and shall in no event be used for any other purpose.

§ 10. This act shall take effect and be in force from and after its passage.

ARTICLE II.

Delinquent Taxes.

§ 1. The said city council is hereby authorized to place all delinquent tax-bills of the said city now delinquent, and hereafter as they become delinquent, into the hands of the city marshal for collection.

§ 2. Said city marshal shall, before such bills are placed in his hands, execute bond, with at least two good sureties, for the faithful performance of his duty, and the payment of all money collected by him due said city. Said sureties shall be worth in realty in this State a sum equal to the amount of the delinquent taxes placed in the marshal's hands for collection; said bond to be approved by said city council.

§ 3. Said city council may, in the month of May, one thousand eight hundred and eighty-four, and as often thereafter as tax-bills of the city shall become delinquent for any year or half year, ascertain the number and amount of tax-bills delinquent due said city, and cause a list of the same to be made, showing the name of the delinquent tax-payer, the number of the bill, the year, and the duplicate, the amount due, the penalty, tax, and valuation. Said list shall be made in duplicate, one copy to be given to the city marshal, one to the city treasurer, and one to the city clerk, and filed by him, with a record showing the totals of the amount, penalty, and valuation.

§ 4. It shall be the duty of said marshal to personally see each resident owner of property delinquent for taxes which

has been placed in his hands, and notify each non-resident owner, if his residence is known, making a demand for the sum or sums due from him or her. He shall report in writing, at the first regular meeting of council in each month, the proceeds of his collections, and present his receipts from the city treasurer showing the amount paid by him collected from delinquent taxes, and the city clerk, with the finance committee, shall cause the three lists, to be checked as to the amounts and names of delinquent tax-payers reported paid. All bills remaining in the marshal's hands at the end of six months from the time he receives them, and unpaid, shall be taken by said city council and checked from the said lists, and an order made that said returned bills shall be sued upon, or added to the next annual tax duplicate, as the council may determine.

§ 5. If, for any cause, the said city marshal cannot act, cannot give the bond required, or said council may desire another person to act as delinquent tax-collector, they are hereby authorized to appoint any suitable person to act as delinquent tax-collector in his stead, who shall give the bond as herein required, and act in accordance with this amendment. Copies of tax-bills shall, in all cases, be given to the collector, and the original bills preserved until they are paid.

Approved April 4, 1884.

CHAPTER 536.

AN ACT in relation to partition and division fences in Grant county, and to provide remedies for injuries done by animals breaking over the same and trespassing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That where persons owning adjoining lands, or those under whom they claim, have or may hereafter have and maintain a partition or division fence between their lands, and have, by agreement, whether by writing or in parol, designated what part of such fence is to be kept up by each, it shall be the duty of each to keep that part of said fence allotted to him in good repair, and sufficiently close, strong, and high, as defined by this act, to prevent animals

From creeping through or getting over the same; or where such partition or division fence has or may exist between adjacent land-owners, or the persons under whom they claim, and they have not designated by agreement what part of such fence is to be kept up by each, it shall be the duty of each adjacent land-owner, or those claiming under him, to furnish a due proportion of labor, material, and money to make and keep the same a lawful fence as defined in this act.

§ 2. That in case one part owner of a partition or division fence, or those claiming under him, shall fail, after reasonable notice, to aid in repairing the same, as far as is necessary to make and keep it a lawful fence as defined in this act, the other part owner, or those claiming under him, may make such repairs, and shall be entitled to recover from the recusant or recusants his, her, or their due proportion of the costs of making the same.

§ 3. That every strong and sound fence of plank four feet high, of rails five feet high, and being so close that cattle or other stock cannot creep through, or made of stone or brick four feet high, shall be held and deemed to be a lawful fence.

§ 4. That where a partition or division fence has or may exist between adjacent land-owners, as provided in the first section of this act, if the cattle, stock, or other animals of the one shall pass over or through such partition or division fence, and go upon the land of the other at any point at which he is bound to build or keep the same in repair, he shall be responsible for double the value of the damages they may do, unless his part of the fence is a lawful fence as defined in this act; in the latter instance he shall be liable only for the actual damages they may do. But if they shall pass over that part of the fence to be made and kept in repair by the other party, he shall be liable for the actual value of the damages they may do, in case his fence is a lawful fence as defined in this act; but if not such a lawful fence, he shall not be liable for any damages done by such cattle breaking over and committing trespass.

§ 5. This act shall take effect from and after its passage.

Approved April 3, 1884.

CHAPTER 537.

AN ACT to incorporate the Tyrone Kentucky River Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Nathaniel Harris, W. J. Frazier, S. T. Willis, James A. Miller, W. H. Graddy, and Joseph Booth, of Woodford county, and Thomas B. Ripy, W. J. Waterfill, John Dowling, Thomas H. Hanks, James P. Ripy, and Geo. C. Cohen, of Anderson county, and such others as may be associated with them, shall be, and they are hereby, made a corporation and body-corporate and politic, under the name and style of the "President and Directors of the Tyrone Bridge Company;" and by that name and style shall have regular succession; may sue and be sued, plead and be impleaded, in all the courts of law and equity in this Commonwealth; and have and possess all the powers incident to a corporation necessary to carry into effect the objects of this act. The capital stock shall be fifty thousand dollars, and divided into shares of one hundred dollars each. The capital stock may be increased by the president and directors to such amount as may be necessary to construct a bridge across Kentucky river within three fourths of a mile of Shryock's Ferry, and to any point on the bank of the river in Woodford county that said president and directors may determine to construct the same; which stock may be subscribed for at such times and places as any of said commissioners heretofore named may deem proper; and they are authorized to open books for subscription of stock, from time to time, as to them may seem proper, until the whole stock shall be subscribed. They shall procure one or more books, and the subscribers therein shall sign an obligation as follows, to-wit: "We, whose names are hereunto subscribed, do respectively promise to pay to the Tyrone Bridge Company the sum of one hundred dollars for each share of stock set opposite our respective names, subject to the rules of the charter of said company."

§ 2. That as soon as the sum of ten thousand dollars is subscribed, they shall give public notice, written or printed, and set up at least fifteen days in six public places in the

counties of Anderson and Woodford, or in some public newspaper at least two weeks, calling a meeting of the stockholders at Tyrone, at such time as they may appoint, for the election of a president and five directors; and each and every stockholder shall have one vote for each share of stock he or they may own, and may vote in person or by proxy; and each year thereafter the stockholders shall meet at Tyrone on the first Monday in April, and elect a president and five directors for the ensuing year, and until their successors are elected; and after the first election, the same notice shall be given by said president and directors as is required in the first election; and should they fail to give said notice fifteen days before the first Monday in April, notice may be given and the election held at any time the president and directors may designate.

§ 3. The president and directors shall have power to make calls on the stockholders for such portions of the stock so subscribed, and collect it as they may from time to time deem necessary; and they may let out to any undertaker or contractors the building and construction of said bridge; and shall have and possess full power to make contracts with any individual for stone, timber, or materials of any kind necessary to be used in its construction; and to receive by gift or purchase any conveyance of lands on either side of said river for the abutments, toll-houses, and necessary avenues leading to said bridge.

§ 4. Upon the completion of said bridge, the president and directors may appoint a toll-collector at such wages as may be agreed upon; to demand and receive of and from all travelers and other persons passing over said bridge such tolls as they may deem proper: *Provided*, That such tolls shall, in no case, exceed the tolls charged or allowed to be charged at Shryock's Ferry, across said river.

§ 5. The president and directors shall cause a dividend of the net profits arising from the tolls of said bridge to be made annually among the stockholders; but no dividend shall be made to any stockholder who may be in arrears.

§ 6. The president and directors are hereby invested with full power and authority to proceed to have a sufficient quantity of land for the abutments, toll-houses, and roads, and so forth, to said bridge, on either or both sides of said river, condemned for the use of said company; and for that purpose shall proceed in like manner as is now provided by law for condemning private property for public use under the road laws of this Commonwealth: *Provided*, That the jury, if one be summoned under a writ of *ad quod damnum*, shall take into consideration the advantages and disadvantages resulting to the owner or owners of such lands as shall be so condemned for the use of said company: *And provided*, That no appeal or traverse taken on any proceeding shall hinder or delay said company from proceeding to build and construct said bridge.

§ 7. That the president and directors shall have power to make all needful by-laws and regulations necessary for the care and preservation of said bridge, and regulate the crossing of the same, and to fine any person or persons violating said by-laws, which fines may be collected by any sheriff or constable of Anderson or Woodford counties as other debts, and may be applied to the use of said company.

§ 8. This act shall take effect from its passage.

Approved April 3, 1834.

CHAPTER 538.

AN ACT to incorporate the Texas and Mackville Turnpike Road Company, in Washington county, and to authorize the Washington county court to take stock in same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the persons who may subscribe stock for the purpose of constructing a turnpike road from a point where the Haynor's Branch dirt road leaves the Springfield and Perryville Turnpike Road, to a point near Mackville, in Washington county, Kentucky, so as to make a turnpike road from Texas to Mackville, in said county, be, and they are hereby, created a body-corporate and politic,

under the name and style of the Texas and Mackville Turnpike Road Company; and by said name they may sue and be sued, and shall have perpetual succession.

§ 2. Said road shall be under the management and control of five directors, one of whom shall be chosen president by said directors, and another shall be in like manner chosen secretary and treasurer of said company. The directors shall be elected annually on the first Saturday in April, except as hereinafter provided.

§ 3. The capital stock of said company shall be ten thousand dollars, or such sums as may be necessary to build said road, to be divided into shares of twenty-five dollars each; and each stockholder shall be entitled to one vote for each share owned by him or her.

§ 4. The road shall be built with a grade not less than eighteen feet wide, with an elevation not less than twelve inches in the center, with a ditch on each side of, and outside the grade, of sufficient width to drain the road. The metal shall not be less than fourteen feet wide, and ten inches deep, of sound, hard rock, the bottom rock to be five and a half inches deep, and broken so as to pass through a five inch ring, with a top dressing of rock broken so as to pass through a two and a half inch ring. The top dressing may be of sound, hard gravel, in the discretion of the board of directors.

§ 5. The board of directors shall locate the road, and may determine the elevations.

§ 6. Whenever two and one-half miles of said road shall be completed, the company may erect a toll-gate and collect from persons using and traveling said road the tolls for the distance traveled, and when the whole of said road is completed, it may erect a gate at each end of the road, and collect at least one-half toll at each gate, or they may erect one gate, and collect full tolls; the tolls to be fixed and regulated as provided by the General Statutes of Kentucky.

§ 7. The right to condemn land for road, rock for building and keeping same in repair, and for toll-gate lot or lots, not exceeding two acres for each, shall be governed by the

provisions of chapter one hundred and ten of the General Statutes of Kentucky.

§ 8. Samuel Turner, Marion Brady, John Cocanougher, James N. Creagor, John B. Litsey, Matt Graves, James N. Mayes, Samuel Paddocks, and N. P. Cox are appointed commissioners and incorporators, and are authorized to open books for the subscription of stock in said road, at such time and place as any three of them may determine; and when two thousand dollars of *bona fide* solvent subscription shall be received, the commissioners, or a majority of them, may give written notice to the stockholders to meet at a time and place named in the notice, who shall meet at the time and place fixed in such notice, and choose and elect from among said stockholders directors as provided in section two of this act, when said directors shall elect the other officers named in said section; when said directors and officers shall be, by some officer authorized to administer an oath, sworn to honestly and faithfully perform their duties.

§ 9. Said board of directors, or a committee of their own number appointed for that purpose, may continue to receive subscriptions of stock in said road, until a sufficient amount is subscribed to pay for building said road; they may also receive conveyances to said company of right of way for said road, or rock or other material to build same.

§ 10. That upon the qualification of the president and directors they shall locate said road, and, at the expense of the company, survey the route thereof. A majority of the board concurring, shall determine the route and location of said road.

§ 11. The stockholders shall pay their subscriptions in calls of such amounts and at such times as the board of directors may, by resolution, direct.

§ 12. If any stockholder shall fail to pay the stock subscribed by him, or any part thereof, he may, by a vote of a majority of the directors, be excluded from the right of voting his share or shares of stock; and said company may sue for and recover the same in any court of this Commonwealth. having jurisdiction thereof.

§ 13. Said board of directors may pass and adopt by-laws regulating their meetings, and all business pertaining to the building or management of the affairs of said road.

§ 14. The county court of Washington county, a majority of the justices of the peace of said county being present and concurring therein, may, for and on behalf of Washington county, subscribe for stock in said road in any sum not exceeding one thousand dollars per mile, upon such terms and conditions as it may determine. And any and all subscriptions of stock heretofore made by said county court on behalf of said county, towards and for the purpose of building and aiding in the construction of said turnpike road, or a turnpike road between said points of Texas and Mackville, as herein provided, are declared legal, valid, and binding; and the company created and incorporated by this act may collect and receive the same; and it is made the duty of the proper officers of Washington county to pay over said subscription to said company, to be used in the construction of said road, in accordance with the terms upon which said subscription is made by order of said county court, and is by it directed to be paid; and the receipt of said company therefor shall be good and full protection to said officers or officer of said county paying the same; and should said officers, or any officer of said county (having the same), refuse or fail to pay over said subscription to said company, or any part thereof, the company may enforce and compel payment thereof by appropriate proceedings at law or equity.

§ 15. This act shall take effect and be in force from and after its passage.

Approved, April 3, 1884.

CHAPTER 539.

AN ACT giving further time until the third Monday in April, one thousand eight hundred and eighty-four, for the sheriff of Jessamine county to execute his revenue bond.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sheriff of Jessamine county shall have

until the third Monday in April, eighteen hundred and eighty-four, to execute the bond for the collection of the State revenue and public dues of Jessamine county for the year eighteen hundred and eighty-four.

§ 2. That the county court of said county shall have power to take from said sheriff a bond, with good and sufficient security, for the collection of said State revenue and public dues of said county, on or before the third Monday in April, eighteen hundred and eighty-four, in such manner as is now prescribed by law.

§ 3. That the said sheriff of Jessamine county be, and he is hereby, relieved from any penalty which he has incurred by failing to execute said bond on the day prescribed by law.

§ 4. This act shall take effect from and after its passage.

Approved April 3, 1884.

CHAPTER 540.

AN ACT to renew the charter of the Alexandria and Flagg Spring Turnpike Road Company, in Campbell county.

WHEREAS, The charter of the Alexandria and Flagg Spring Turnpike Road Company expires in December, one thousand eight hundred and eighty-four, by special enactment; and since further time is desired, and is necessary to enable the company to complete said road, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Alexandria and Flagg Spring Turnpike Road Company be, and the same is hereby, continued in force until December, one thousand eight hundred and eighty-six, and that the company shall have, if necessary, until that time in which to complete said road.

§ 2. That this act shall be in force from and after its passage.

Approved April 3, 1884.

CHAPTER 541.

AN ACT to amend an act, entitled "An act to incorporate the Tollesboro, and Mt. Carmel Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Tollesboro and Mt. Carmel Turnpike Company," chapter six hundred and eighty-three, approved April seventh, one thousand eight hundred and eighty two, be, and the same is hereby, amended by extending the time of the commissioners to open books for securing subscriptions to said road from the time of the passage of original charter to the first day of July, one thousand eight hundred and eighty-four, and that the name of John S. Cox be added to the former board of commissioners.

§ 2. This act shall take effect from and after its passage.

Approved April 3, 1884.

CHAPTER 542.

AN ACT for the benefit of J. B. Cox, jr., of Marshall county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. B. Cox, jr., is hereby declared to be of legal age to make contracts, sue and be sued, and all other acts, as are persons who have attained the age of twenty-one years.

§ 2. This act shall take effect from its passage.

Approved April 3, 1884.

CHAPTER 543.

AN ACT to provide for the levy and collection of a road tax, and to regulate the laying out and working of the public roads in Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the county judge of Cumberland county, at the first regular term of the county court for said county after the passage of this act, or as

soon thereafter as may be practicable, to appoint a superintendent of the public roads of said county, to serve until the first day of January, one thousand eight hundred and eighty-five, and until his successor is appointed and qualified as hereinafter provided. The superintendent shall have the control of all the public roads in said county, and shall see that the roads are kept in repair. The court of claims of said county shall, at the October term, one thousand eight hundred and eighty-four, elect a successor to said superintendent for the term of two years, and every two years thereafter said court shall elect a superintendent, whose term of office shall begin the first day of the next January after their election.

§ 2. That each superintendent, before entering upon the discharge of his duties as such, shall execute bond, with good security, and take an oath in the Cumberland county court for the faithful discharge of all the duties of his office, and to properly account for all money and property that may come to his hands by virtue of his office.

§ 3. The first superintendent appointed under this act, after taking the oath of office and executing bond, shall proceed to lay off the county into convenient road districts, fix the boundary of hands that shall work in each district, select a suitable person in each district to be the surveyor thereof, and divide the roads into first, second, and third class. The first class, or roads leading from the county seat of said county to the county seats of the adjoining counties, to be from twenty to thirty feet wide. The second class from fifteen to twenty feet wide, and the third class from ten to fifteen feet wide. He shall also number the road districts, and report the same to the county court of said county. The county court shall examine and approve said report, after making such corrections as it may deem proper, and appoint as surveyors of the public roads the persons named in said report. The clerk of said court shall record the report of said superintendent, and the clerk and sheriff of said county shall proceed as now directed by law to notify the said surveyors of their appointment.

§ 4. That said surveyors, upon notice of their appointment, shall enter upon the discharge of their duties, and remain in office not less than two years, and until their successors are appointed.

§ 5. That all able-bodied male persons between sixteen and fifty years of age (except licensed ministers of the gospel), in said county, shall be assigned to work on the public roads in said county not less than three nor more than ten days in each year, to be performed at any time upon two days' notice, and each day's work shall not be less than eight hours' labor. Any hand may be released from work by furnishing an able-bodied substitute, or by paying seventy-five cents for each day he fails to work. And any hand assigned to work on the road may be exempt for the space of one year by paying to the superintendent the sum of four dollars, and the receipt of the superintendent for said amount shall be a certificate of exemption to the person who paid the same.

§ 6. That a road tax of five (5) cents on each one hundred dollars' worth of property, as shown by the assessor's book, shall be collected in the year one thousand eight hundred and eighty-four, and the court of claims of said county shall, at the October term of said court, one thousand eight hundred and eighty-four, and every year thereafter, levy a road tax of not less than five nor more than ten cents on each one hundred dollars' worth of taxable property as shown by the assessor's book. Said tax to be collected by the sheriff or collector as the other revenues of said county are collected (which, when so collected, shall constitute a road fund for said county), and pay the same to the superintendent, and take his receipt therefor; and annually, at the October term of the court of claims, said sheriff or collector shall settle his accounts with said court for the money due the road fund under the provisions of this act, for the collection and settlement of which the sheriff or collector shall be responsible on his county levy bond, and shall be allowed the same commission as for collecting the other revenues of said county.

§ 7. That the superintendent shall visit each road district as often as may be necessary, and shall give such directions to the surveyor of the district in regard to the working of said roads as may, in his judgment, be necessary to put the road in good condition, and shall direct the modes of drainage and character of culverts and indexes ; the directions to be specified in each case, and he shall see that the same are complied with.

§ 8. That the surveyors shall notify the hands in their districts, as herein provided, and see that they perform efficient and faithful work ; and it shall be their duty to discharge any hand who attends and fails to perform efficient labor ; and he shall cause the work to be done in accordance with the directions and specifications given him by the superintendent ; and he may, by the direction of the superintendent, contract for timber and other material, and wagons and teams when necessary, for the repairing of any road, bridge, causeway, or culvert, the contract for same not to be binding until ratified by the superintendent. The surveyors shall keep their respective roads open the width required in their orders, and remove all leaning and dead trees near the road, and overhanging limbs and brush ; and they shall, without any unnecessary delay, remove all timber or obstructions in the roads in their districts ; and may require the aid of any hand, and give him credit by the time he is so employed ; and any hand failing to do so may be fined the same as for failures to work at appointed times on notice.

§ 9. That the superintendent shall not expend a greater sum of money in any one year than shall be collected for that year under the provisions of this act ; but shall appropriate the money so collected, as near as can be ascertained, without a minute calculation, in the voting precinct where collected, after first deducting from said amount of money the salary hereinafter allowed for the services of officers. The taxes collected in the corporate limits of the town of Burksville shall be expended in said town on the streets and alleys thereof: *Provided*, The board of trustees of said town appoint a street commissioner to take charge of the

work in said town, and keep the streets and alleys in repair.

§ 10. That it shall be the duty of the superintendent to annually, on the first Monday in January, settle his accounts as such with the county judge of said county, in which said settlement he shall be charged with all moneys received by him from all sources under the provisions of this act, and allowed a credit by all moneys properly paid out by him, he producing proper vouchers for same to said judge. And the judge may allow said superintendent at the rate of (\$100) one hundred dollars per year as a salary for his services, and the further sum of not exceeding one dollar (\$1) per district for visiting, superintending, and directing the working of the public roads in said districts, and for which allowances, when made, he shall be entitled to a credit in said settlement, after first deducting seventy-five cents per day for the number of days said superintendent may be liable to work on the road under this act. Said judge shall return said settlement, together with all vouchers and papers filed, to the county court at its next regular term, when it shall be filed and lie over one month for inspection and exceptions, and if no exceptions are taken, to be then recorded. If any exceptions are taken, they are to be in writing, and tried by the county court, and the settlement, when corrected, to be recorded.

§ 11. That the county court shall be opened at any time to make all necessary orders under this act, and may remove any superintendent or surveyor for a failure to discharge their respective duties, and shall without delay fill all vacancies in the offices of superintendent and surveyor whenever the same may occur.

§ 12. That the surveyors, as a compensation for their services under this act, shall, when they have served a full term of two years, in addition to the exemptions now provided by law, be exempt from road service under this act for the period of two years thereafter.

§ 13. That the court of claims of said county shall make to the first superintendent appointed under this act a reasonable allowance for services rendered by him in laying off

the public roads into convenient road districts, and reporting the same to the county court as required under section third of this act; said allowance to be paid out of the county levy proper as other claims against the county.

§ 14. That any superintendent or surveyor, failing to perform his duty under this act, may be indicted and tried in the circuit court, and fined not less than twenty-five nor more than fifty dollars; and any hand who fails to perform his duty as required under this act may be proceeded against in the name of the Commonwealth of Kentucky before a justice of the peace or the county judge, and fined not less than two nor more than five dollars; and each day's failure to attend and work shall be deemed a separate offense.

§ 15. That a *capias pro fine* may issue on all fines and forfeitures that may be assessed under the provisions of this act; and, when collected, shall be paid to the superintendent, and shall constitute a part of the road fund of said county; and if not paid or replevied in ten days, the defendant may be arrested and placed at labor on the public roads in the district where he may reside, under the supervision of the surveyor of said district, at the rate of one day for each dollar of said fine, or may be imprisoned in the county jail one day for each dollar of said fine.

§ 16. That the superintendent may, with any money in his hands, employ hands to work on the public roads, at not more than one dollar per day, unless skilled labor is required, then he may pay more; and may also purchase tools and material necessary for the keeping of the public roads in repair. All tools purchased by the superintendent shall be under his control, and may be delivered to the surveyors, when necessary for the repairing of their roads: *Provided*, The surveyor shall execute a bond for their return, when demanded by the superintendent.

§ 17. That the superintendent shall keep a record of his proceedings, which at all times shall be open to inspection by the county court or its agent.

§ 18. That the superintendent shall, in expending money for the repairing of roads, give the preference, first, to the

leading roads in the order in which they are most traveled and necessary for the convenience of the traveling public.

§ 19. That the superintendent shall take the receipt of surveyors for all tools and materials furnished them ; and each surveyor shall turn over to his successor all tools and materials on hand at the time and take his receipt therefor. Tools furnished under this act shall not be used by the surveyors for their, or other persons for their own use or benefit, but only for county purposes.

§ 20. That this act shall take effect from and after its passage.

Approved April 3, 1884.

CHAPTER 545.

AN ACT to legalize the board of trustees of Sonora and their acts, in Hardin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the present board of trustees of the town of Sonora, Kentucky, E. F. Dyer, John Hghbaugh, Joseph Allen, A. J. Hoover, and John A. Raine, be, and are hereby, legalized, and all their past and future acts shall be as binding as though they had been elected at the last regular election, on the First Saturday in April, one thousand eight hundred and eighty-three.

§ 2. This act shall be in force from its passage.

Approved April 3, 1884.

CHAPTER 547.

AN ACT to incorporate the Louisville Faith Cure Home.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That J. T. Burghard, J. F. Dohrmann, and Joseph M. Weaver, and their associates and successors, be, and they are hereby, created a body-corporate, under the name of "The Louisville Faith Cure Home;" with power to contract and be contracted with, sue and be sued, acquire and hold the

title to real and personal estate, and to sell, convey, or exchange same in its corporate name to the same extent that a natural person may lawfully do. Also to have and use a common seal, and change same at pleasure. To establish such by-laws for the management of the affairs of the corporation as may be necessary and proper. The entire management of the affairs of the corporation to be under the control of a council of three persons, to be chosen annually by the corporators and their successors, with power to fill vacancies in their number at any and all times: *Provided*, That their acts are not contrary to the Constitution and laws of this State and of the United States,

§ 2. The said named corporators shall constitute the first council, and they and their successors shall have power to employ such assistants as they may consider necessary for the proper management of the affairs of the corporation.

§ 3. The object and purpose of the institution hereby incorporated is to furnish a home for sick and disabled persons; and all property of whatever kind, acquired by the corporation, in any way whatever, shall be used for that purpose and other charitable or religious purposes, and in no event for private or individual gain or profit.

§ 4. The amount of property which the corporation may acquire and hold is limited to such as does not exceed fifty-thousand dollars in value.

§ 5. This act to take effect from and after its passage.

Approved April 3, 1884.

CHAPTER 548.

AN ACT to incorporate the Chaplin and Quirk's Run Turnpike Road Company, in Boyle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George W. Dugan, Thomas L. Humble, W. A. Caldwell, H. N. Mitchell, W. F. Pitman, E. S. Armstrong, and George Coalter, be, and they are hereby, incorporated into a company and body-politic, with a capital stock not to exceed fifteen thousand dollars, to be divided into shares

of fifty dollars each, for the purpose of constructing a turnpike road in Boyle county, Kentucky; the road to commence at a point, to be agreed upon by the company, on the east side of the pike leading from Perryville to Mitchellsburg, and to run east to the west side of the cross pike leading from the Danville and Lebanon pike, the distance being between four and five miles.

§ 2. The company shall have power to sue and be sued, plead and be impleaded, contract and be contracted with; may acquire by purchase or writ of *ad quod damnum* the right of way for the road and the ground for the residences of toll-gate keepers, and such rock and rock quarries and timber as may be necessary in the construction and the repairs of the road.

§ 3. The officers of the company shall consist of a president and treasurer and six directors, who shall be elected annually by the stockholders of the company, the day and place of holding the election to be agreed upon by the president and directors, and due notice given; and at the election of officers, and all matters of importance to the company, each stockholder shall have one vote for every share he or she may hold, which vote he or she may cast either in person or by written proxy.

§ 4. The treasurer, before he enters on the discharge of his duty as such, shall execute a bond with approved security, conditioned that he shall faithfully discharge the duties of his office, and pay over all sums of money that may come into his hands upon the order of the directors.

§ 5. The width of the road shall be thirty feet and of the usual grade, and the stone broken properly or gravel upon the bed of the road to make it a first-class turnpike road.

§ 6. The whole of the financial affairs of the company shall be under the control of the president and directors.

§ 7. When the road is completed, the company shall have the right to put up one whole gate or two half gates, and collect toll for travel on the road at the usual rate provided in the General Statutes of the Commonwealth of Kentucky for every five miles traveled on turnpike roads.

§ 8. The president and directors may make such by-laws for the management of the affairs of their road as they may deem necessary, provided that the same are not inconsistent with this act or the Constitution and laws of this State.

§ 9. This act to take effect from its passage.

Approved April 3, 1884.

CHAPTER 549.

AN ACT to provide for the payment by the Caseyville and Lindle districts, of Union county, of the costs and other expenses incurred by said districts in connection with their railroad bonded indebtedness.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the funding boards of the Caseyville and Lindle districts, of Union county, to ascertain and report from time to time to the county judge of said county, all claims, fees, costs, and other debts and expenses incurred by said boards for their districts, or by their predecessors, or by the people of said districts respectively, either in the prosecution or defense of suits or other proceedings had, or acts done, or procured to be done, either by officers or others in connection with, or growing out of, the railroad bonded indebtedness of said districts, whether incurred before or after the organization of said boards, together with the amount deemed necessary to defray the current expenses of said boards; and it shall be the duty of said county judge, at the next term of his court, to levy, or cause to be levied, an ad valorem tax upon all the property of said districts, or owned by citizens thereof or others, subject to taxation under the provisions of the act under which said railroad bonds were issued, sufficient to raise such amount, including the costs of collecting the same; or said county judge may file said report with the levy court of the county, and said levy court shall, thereupon, make such levy.

§ 2. It shall be the duty of the county clerk to make out from the assessor's books separate tax-books for each of

said districts, showing the property therein subject to taxation, by whom owned or listed, the value thereof, and the amount of taxes due upon each one hundred dollars' worth thereof, and shall deliver said books to the said boards; and for said services shall receive a reasonable compensation, to be fixed by the county judge, unless agreed upon between him and said boards.

§ 3. When called upon by said funding boards to do so, the county judge shall make upon the order-book of his court an order, requiring the assessor of the county to assess and return to the clerk's office of said court a correct list of all property subject to taxation hereunder, its value, where located, and by whom owned; he shall return such assessment at the same time as by law required to return his other lists, and his compensation, unless agreed upon between him and the boards, shall be fixed by said county judge.

§ 4. The funding boards shall place said tax-books in the hands of the constables of their respective districts, or with some other suitable person to be chosen by them, and it shall be the duty of such constables or other person to collect and pay over to the treasurer of the board from which he receives the books all the taxes within six months after receiving the books. The sureties of the constables shall be liable upon their bonds for failure in the discharge of the duties herein enjoined. If a person other than a constable be chosen by the boards to collect the taxes, he shall give bond with suitable security, payable to such board as may choose him, for the faithful performance of such duties. Said boards shall have the same authority in receiving or rejecting delinquent lists returned by such collector or constable, and in disposing of the same when received, that the levy court has in such matters.

§ 5. The county judge shall fix the compensation of the members of said boards, but it shall not be less than one dollar and fifty cents each for every day such boards or members may be actually engaged in the business of their respective districts.

§ 6. The constable or collector having said taxes for col-

lection shall receive the same compensation and fees that sheriffs receive for like services, unless otherwise agreed on with the said boards, and shall have the same authority and shall proceed in the same way, and his acts shall have the same force and effect as similar acts done by sheriffs or by the county tax-collector, and his certificates of sale shall be recorded in the same way and with the same effect. Said funding boards shall have a lien on all the property subject to such taxation, subordinate, however, to the liens given for taxes due the State and county.

§ 7. This act shall take effect from its passage.

Approved April 3, 1884.

CHAPTER 550.

AN ACT to incorporate the Mt. Sterling and Flat Rock Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henry Wilson, of Bourbon county, and David Johnson, Harrison Johnson, Wm. B. Flanders, and William Judy, of Montgomery county, and their associates and successors, be, and they are hereby, created a body-politic and corporate, with perpetual succession, with power to sue and be sued, plead and be impleaded with.

§ 2. The business of said corporation shall be to construct and operate a turnpike road, in the counties of Montgomery and Bourbon, from a point on the Maysville and Mt. Sterling Turnpike Road, near the residence of Van Thompson, at or near the mouth of Sommersett creek, in said county; thence to the present terminus of the Flat Rock Turnpike Road, in Bourbon county; said contemplated road being about four miles in length.

§ 3. The capital stock of said company shall be in shares of twenty-five dollars each, and shall not exceed the sum of twenty thousand dollars.

§ 4. When the sum of three thousand dollars shall have been subscribed to the capital stock of said road company, in good and *bona fide* subscriptions, it shall be the duty of the

incorporators named herein to give notice, in such manner, and at such times and place as they may think proper, of a meeting of the stockholders, for the purpose of electing a president and three directors for said company, in which election one vote shall be allowed for each share of stock subscribed; and the president and directors—those persons who shall receive the highest number of votes cast at said election—when so elected, shall continue in office for one year from the date of their election, or until their successors are duly elected and qualified.

§ 5. The president and directors shall fix the time and place of election, after their first election, to be held once in each year, at such time and place as they may direct; and a majority of the board shall be competent to do business.

§ 6. The Montgomery county court may, when applied to by the officers of said road company, in behalf of said county, subscribe the sum of one thousand dollars per mile to the capital stock of said turnpike road company, for every mile of said road that may be constructed in Montgomery county, to be paid in such way as the court, in its discretion, may direct, to be controlled by said county court as other turnpike stock of said county.

§ 7. That the general laws of this State constructing turnpike roads, and the acquisitions for land or material for the same, and the rates of tolls, and the right to collect the same, and not inconsistent with the provisions of this act, shall be parts thereof.

§ 8. The name and style of said corporation shall be the Mt. Sterling and Flat Rock Turnpike Road Company.

§ 9. That if, in the construction of said road, it shall be necessary to locate the same on any portion of any county road, the company shall have the right to do so.

§ 10. That said company may erect two toll-gates on said turnpike road, the same not to be less than five miles apart, and collect tolls from persons traveling or using the same; said tolls to be the same as are now charged and collected on the Mt. Sterling and Winchester Turnpike Road: *Provided, however,* That all persons going to and returning from church, and all children going to and re-

turning from school, and all neighborhood funerals, and persons going to and from mill on horseback, shall be free from any charge of toll.

§ 11. Said president and directors shall fix and regulate the elevation and grade of said road, the width of the part to be covered with stone, also the thickness; and shall designate the point at which work shall commence, and the points for the erection of gates; shall deliver to each stockholder, the county included, a printed certificate of stock owned by him, signed by the president and attested by the secretary. The board of directors shall have power to pass all by-laws necessary for the management of the business of said road.

§ 12. No person shall be elected as an officer of said company who is not a stockholder.

§ 13. The president and directors shall have power to elect a treasurer and secretary for said company, and require the same to give bond for the faithful discharge of all duties.

§ 14. This act shall take effect from and after its passage.

Approved April 3, 1884.

CHAPTER 551.

AN ACT to incorporate the Day's Run Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Day's Run Turnpike Road Company is hereby incorporated, for the purpose of building a turnpike from some point on the Lewis and Mason Turnpike north of the residence of Stephen Valentine, on a route by the residence of Edwin C. Day, to Orangeburg, or from Day's residence down the road to the Maysville and Mount Carmel Turnpike, as the board of directors may deem best. The capital stock of this company shall be a sum sufficient to complete its road, to be divided into shares of fifty dollars each. The county of Mason is authorized to [subscribe to] its capital stock in the sum of fifteen hundred dollars per mile, and the Lewis and Mason Turnpike Road Company, and the

Maysville and Mount Carmel Turnpike Road Company may each subscribe thereto, at the discretion of their boards of directors. Said company shall have all the powers and privileges conferred on similar corporations by the General Statutes of Kentucky, and such other and additional powers and privileges as are necessary to enable it to carry out the purpose for which it is created.

§ 2. The county court clerk of Mason county is hereby required to open books at his office, at any time after March first, one thousand eight hundred and eighty-four, and receive subscriptions to the Capital Stock of this Company, and to keep the same open until there is money enough subscribed to complete the road, unless a director is elected before that amount is subscribed. At any time after one thousand dollars is subscribed, he may hold a meeting of stockholders for the purpose of electing a board of directors. When such board is elected, he shall administer to each one of them the customary oath, and then turn over to the board the books and papers of the company.

§ 3. The affairs of the company shall be under the control of a board of three directors, to be elected annually by the stockholders on the first Saturday in May. The board shall elect one of its members president, and it is authorized to elect such other officers as may be needed, and fix the term of office of each. This board of directors shall have all the power and authority usually given such officers, and such as may be necessary to enable them to build and operate this road.

§ 4. Should the officers and stockholders of this company determine to make this a "free pike," it shall be the duty of the county court of Mason county to assign to the persons in the road district through which it runs, on whom it shall be obligatory to work it and keep it in repair as if it were a dirt road; and when this assignment of hands is made, the persons so assigned shall be compelled to work this road as required to work dirt roads under the provisions of the General Statutes of this State.

§ 5. This act shall take effect and be in force from its passage.

Approved April 3, 1884.

CHAPTER 552.

AN ACT to incorporate the White Chimney and Stony Creek Turnpike Road Company, in Nicholas county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company shall be, and the same is hereby, incorporated to construct a macadamized road from a point beginning at or near the "White Chimneys," on the Carlisle and Park's Ferry Turnpike Road; thence the most practicable route, by way of Victor's old place and the Stony Creek meeting-house, to the Maysville and Lexington Turnpike Road, somewhere about McClanahan's place, under the name and style of the White Chimney and Stony Creek Turnpike Road Company; and by that name and style may sue and be sued, contract and be contracted with, plead and be impleaded.

§ 2. That the capital stock of said company shall not exceed twelve thousand dollars, to be increased or diminished at the pleasure of the company, and to be divided into shares of twenty-five (\$25) dollars each.

§ 3. That A. J. Banta, John McMahan, James P. Ashley, Robert Kincourt, and James McChambers, are hereby appointed commissioners, whose duty it shall be to open books for the subscription of stock at such places as said commissioners may designate; and as soon as one thousand dollars is subscribed, they shall give ten days' written notice, by posting notices in three public places in the vicinity of the road, for a meeting of the stockholders for the purpose of electing a president and five directors, a majority of whom shall be competent to do business, and to do all things authorized by this act to be done by the president and directors; and the management of the fiscal and prudential affairs of said company shall be confided to said president and directors and their successors in office, to be chosen annually, at such time and place as said president and directors may, from time to time, appoint, and who shall continue in office for one year, and until their successors in office are elected and qualified.

§ 4. That no person shall be eligible as president or director who is not the owner of one or more shares of stock in said road.

§ 5. In the election of a president and board of directors, each stockholder shall be entitled to one vote for each share of stock owned by him, and may be cast in person or written proxy.

§ 6. The president and directors shall have the power of appointing a treasurer, gate-keepers, and all other officers or agents deemed necessary to effect the purpose of this act, and to remove the same at pleasure; and said officers shall execute such a covenant for the faithful performance of their duties as may be required of them by the president and board of directors.

§ 7. The commissioners herein appointed shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book, viz: "We, whose names are hereto subscribed, do promise to pay to the president and directors of the White Chimney and Stony Creek Turnpike Road Company the sum of twenty-five (\$25) dollars for each and every share of stock in said company set opposite our names, in such manner and proportion, and at such times as shall be by them required under the law incorporating said company, to be collected as other debts. Witness our hands this — day of —, 18 —."

§ 8. That said road shall not be less than thirty feet wide; the width of grade shall be eighteen feet, and the metal not less than fourteen feet wide, and shall be graded to an elevation not to exceed five degrees in any part thereof.

§ 9. That the company may erect toll-gates on said road, and charge toll thereat at the rate of toll not exceeding that now authorized by law on roads made under the general turnpike laws of the State.

§ 10. That the president and directors of said road shall have the right and power to acquire the right of way for said road, to locate and lay out the same, and may take steps authorized by the general laws of the State to con-

demn the land over which said road is to run, and material from adjacent lands.

§ 11. When the stockholder shall have made full payment of his stock, it shall be the duty of the president, over his signature, to issue certificates of stock to all persons entitled to the same, attested by the secretary of said company.

§ 12. The county judge of Nicholas county shall subscribe to the capital stock of said company, for and on behalf of Nicholas county, the sum of fifteen hundred (\$1,500) dollars for each mile of said road, whenever said company shall make proof to said judge that it has good and collectable subscriptions, by private individuals, to the capital stock of said company sufficient, together with said one thousand five hundred dollars county subscription, to complete each mile of said road; and thereupon said judge shall levy a tax on the taxable property of said county sufficient to pay said subscription, and the costs of collecting the same, and cause the same to be collected and paid to said company.

§ 13. This act shall take effect from and after its passage.

Approved April 3, 1884.

CHAPTER 553.

AN ACT to incorporate the Mt Auburn Cemetery, in Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. James E. Deamway, Jno. M. Pribble, F. M. Houston, S. N. Pribble, and W. T. Sharp, their associates and successors, are hereby constituted a body-corporate, under the name and style of the Mt. Auburn Cemetery Company, of Pendleton county; and by that name to contract and be contracted with, sue and be sued, use a common seal, make all necessary by-laws and regulations for its government, not inconsistent with the law, and such other things as are necessary to provide a suitable cemetery at Mt. Auburn, in Pendleton county, for the burial of the dead.

§ 2. Said corporation shall have power to acquire and hold, by purchase, gift, or devise, for the purpose aforesaid, any quantity of land in the county of Pendleton, and in the vicinity of Mt. Auburn, not to exceed twenty acres, and to receive a conveyance of the same in its corporate name, which land, when so conveyed, shall never be held for any other purpose than that of a cemetery; and said land and its appurtenances shall be forever free and exempt from all taxation, executions, or other legal process, and from any charge or assessment to or for any public purpose inconsistent with its use as a cemetery, for which purpose it is forever dedicated.

§ 3. Said corporation shall cause a plat or plan to be made of the land so acquired by it, dividing the said land into suitable avenues, walks, and burial lots, and designating said avenues and walks by name, and the said burial lots by number, which plat or plan shall be recorded on the books of the corporation, and on the records of titles of Pendleton county. After said land is thus laid off, the corporation shall have power to sell said burial lots in such manner, on such terms as may be prescribed by the board of directors of said corporation.

§ 4. Each purchaser of a lot in said cemetery, upon the production of the receipt in full for the price of the lot purchased by him from the acting treasurer of the corporation, shall be entitled to a conveyance of said lot, which conveyance shall be made by certificate of the board of directors, under the seal of the corporation, and countersigned by the secretary, which certificate shall be recorded on the books of the corporation; but said lot shall be subject to the by-laws and regulations of the corporation, and its board of directors; and said lots shall never be used for any other purpose than that of burial lots; and if applied to any other use, the right and title thereto shall revert to the corporation.

§ 5. The incorporators shall open books for subscription of stock in shares of twenty-five dollars, and issue certificates of stock when the money is paid in; the books to

be kept open for sixty days after this charter is granted and each person so subscribing shall be considered a member of this corporation, and shall be entitled to a vote in meetings of the corporation; but should a stockholder sell or transfer a lot or lots, he also sells or transfers his stock.

§ 6. The business of this corporation shall be managed by a board of five (5) directors, all of whom must be stockholders in said cemetery. The persons hereinbefore named as incorporators shall constitute the first board of directors of this corporation, and shall continue in office until the first Saturday in August, one thousand eight hundred eighty-five, and until their successors are elected and qualified; at which time, and every two years thereafter, members of the corporation may elect a board of directors who shall hold office until their successors are elected and qualified. They shall choose a president out of their number; and they may appoint a secretary and treasurer, who shall give such bond as they may require. Said directors may fill all vacancies which may occur in their own bodies.

§ 7. The board of directors shall make such by-laws and regulations as they may deem proper for calling meetings and conducting their business; they shall have entire control of all the business of said corporation; shall collect and expend for it all moneys; shall have complete control of the cemetery grounds and other property; shall have power to inclose, improve, and adorn said grounds, and to prescribe rules for erecting vaults or monuments upon any ground or lots of purchasers; and shall have power to prohibit any division or use of a lot which they may deem improper, or they may abate or alter the same.

§ 8. If any person shall willfully, and without lawful authority, violate any of the graves of the dead, or deface or remove any tombstone or monument, or cut, break, or remove any tree, plant, or shrub, or other ornament of said cemetery, he shall be deemed guilty of a misdemeanor, and besides being liable to the corporation or owner of the land for the injury done, he shall be fined not less than ten nor more than one hundred dollars for each offense, recoverable by warrant before any court of competent jurisdiction in this State.

n county, or he shall be imprisoned not less than five
more than fifty days.

. This act to take effect from its passage.

Approved April 3, 1884.

CHAPTER 555.

ET to amend an act to incorporate the town of Poplar Plains, in
Fleming county, and to amend and reduce into one the several acts
in relation thereto, approved March twelfth, one thousand eight hun-
dred and eighty.

*it enacted by the General Assembly of the Commonwealth
of Kentucky:*

. That section (9) nine of an act, entitled "An act to
incorporate the town of Poplar Plains, in Fleming county,
to amend and reduce into one the several acts in rela-
tion thereto, approved March twelfth, one thousand eight
hundred and eighty, be, and the same is hereby, amended
as follows: That the marshal of said town may have jurisdic-
tion co-extensive with the constables of Fleming county,
shall give bond to the county court in the sum as re-
quired of constables.

Approved April 3, 1884.

CHAPTER 556.

ET for the benefit of the New Castle and Bethlehem and New
Castle and Gray Turnpike Company.

*it enacted by the General Assembly of the Commonwealth
of Kentucky:*

. That it shall be lawful for the New Castle and Beth-
lehem and New Castle and Gray Turnpike Company to
charge a full toll for four miles of travel on its line of road,
at the same rate in proportion for a less distance.

. This act shall take effect from its passage.

Approved April 3, 1884.

CHAPTER 557.

AN ACT for the benefit of E. T. Hodges, of Har

*Be it enacted by the General Assembly of the C
of Kentucky:*

§ 1. That as the residence of E. T. Hodges is on the line between Hardin and Larue counties, it shall be lawful for said Hodges hereafter to vote at all elections under the laws of this State at the polls in Upton precinct, Hardin county.

§ 2. This act shall be in force from its passage.
Approved

CHAPTER 558.

AN ACT to amend an act, entitled "An act to incorporate the Lewis and Mason County Turnpike Road Company, of Lewis County."

*Be it enacted by the General Assembly of the C
of Kentucky:*

§ 1. That an act, entitled "An act to incorporate the Lewis and Mason County Turnpike Road Company," passed at the regular session of the General Assembly, at Frankfort, Kentucky, on the ninth day of March, A. D. 1888, and approved March 10th, 1888, be, and the same is hereby, amended so as to allow the president and board of directors to construct a branch road from Beech Lick, through the lands of Mrs. R. H. Davis, to the banks of the North Fork of the Kentucky river, near Farrow's mill. The county of Lewis shall contribute to the amount of one thousand dollars to the amount provided in original charter, and the remainder to be raised by subscription. The president and board of directors shall open books for subscription, or cause the same to be done, at any time after the passage of this act, and on or before the first day of September, one thousand eight hundred and eighty-four.

§ 2. This act shall be in force from and after its passage.
Approved

CHAPTER 559.

rease the per diem of justices of the peace in the counties
Whitt, Carroll, Grant, Trimble, Casey, and Russell.

ed by the General Assembly of the Commonwealth

the per diem of justices of the peace in Breath-
rrent, Trimble, Casey, and Russell counties, for
e court of claims, shall be three (\$3) dollars
o (\$2) dollars, as now provided by law.

act shall take effect and be in force from its

Approved April 3, 1884.

CHAPTER 560.

orizing the coroner of Green county to appoint deputies.

ed by the General Assembly of the Commonwealth

the coroner of Green county is hereby author-
owered, by and with the consent of the Green
, to appoint one or more deputies, who, before
on the duties of said office, shall execute bond
ourt, and take the oath now required by law to
coroners.

act shall take effect from its passage.

Approved April 3, 1884.

CHAPTER 561.

ie better preservation and indexing of the books of the
Louisville Chancery Court.

ed by the General Assembly of the Commonwealth

ct to the approval hereafter mentioned of the
the Louisville chancery court, the receiver of
all re-bind and index, or cause to be re-bound
any of the account and voucher books in
ich may need such re-binding and indexing,
nscribe or cause to be transcribed such books,

if obliterated, torn, or in a ruinous condition. In re-binding, transcribing, or indexing, when approved by chancellor of said court, a reasonable allowance shall be made by order of such chancellor, and shall be paid out of other claims are paid by the county of Jefferson and of Louisville.

§ 2. All laws or parts of laws in conflict herewith hereby repealed.

§ 3. This act shall take effect and be in force from after its passage.

Approved April 4, 18

CHAPTER 562.

AN ACT to incorporate the Louisville Press Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That R. M. Kelly, B. DuPont, W. S. Wilson, A. Wilson, and I. Dinkelspiel, and their successors, be, and hereby, created a body corporate and politic, by the name of Louisville Press Company; having perpetual succession with all the powers and authority incident to corporations for the purposes hereinafter mentioned.

§ 2. This corporation is hereby authorized and empowered to carry on the business of publishing, printing, binding, and selling books, newspapers, and other publications; to publish and sell a newspaper or newspapers daily, weekly, or as often and at such times as the directors may order; to operate a job printing office and bindery, and print, publish, and sell books, pamphlets, maps, newspapers, and all printers, publishers, and binders' work; and to do all things incident to the publishing, printing, and binding business.

§ 3. The capital stock shall be one hundred and fifty thousand dollars. It shall be divided into shares of one hundred (\$100) dollars each, and may be increased, from time to time, by a vote of sixty per cent. of the then standing shares consenting thereto. Said stock shall

d and transferred in such manner, and upon such conditions, as the board of directors may order.

4. The affairs of said corporation shall be managed by directors, all of whom shall be stockholders. They shall, from among their number, choose one as president. The first board of directors shall consist of the incorporators, who shall continue in office until their successors are elected by a majority of the shares represented at the next annual meeting, when five directors may be elected. They shall remain in office for one year, or until their successors are elected, and enter upon the performance of their duties as directors. Should any vacancy or vacancies arise by resignation, death, refusal or inability to act, or otherwise, the remainder of the board of directors shall fill the vacancy: *Provided further*, That a vote of two-thirds of the shares of stock outstanding may, at any time, elect a new director or directors, or remove old directors or officers, or any director or officer. The directors may form and establish such by-laws, rules and regulations, as they may deem best for the interest of the company. They may choose a common seal, alter it at will, and use same; and such by-laws, before being valid, must be confirmed by a majority of the stockholders.

5. The corporation may acquire, hold, sell, and convey real and personal estate; it may borrow money and issue bonds, and pledge and mortgage the property and good will of the corporation, or any part or parts of such property and good will, as often as is deemed best by the directors.

6. The directors may receive as subscription to the capital stock, or as payment for any share or shares of the capital stock, at values to be agreed on or approved by the board of directors, the property, good will of any newspaper or office, or other property, stock in other corporations, patents, franchises, or rights which the board of directors desire or determine to obtain, secure, or use for the purpose of carrying on, or helping to carry on, the business of any part of the business, of the corporation.

7. The regular annual meeting of directors shall be held on the second Monday in February each year, or at such other date as the stockholders may direct.

§ 8. The individual property of the stockholders shall be exempt from the debts of said corporation.

§ 9. The corporation may take stock in news companies, telegraph companies, and such other corporations as they deem best for the interest of the company.

§ 10. The directors shall have power to elect a secretary, a treasurer, a general manager, and such other officers as they may from time to time deem best. The secretary, treasurer, and general manager may be the same person, or any person may hold two of said offices.

§ 11. The stockholders of the corporation may, by a vote of two thirds of the shares of stock, change the number of directors to any number not less than three.

§ 12. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 563.

AN ACT to authorize the city of Newport to issue fifty thousand dollars of bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city of Newport, for the purpose of meeting the deficiency in the city revenue, occasioned by the floods of one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four, shall have the power to issue fifty thousand dollars of bonds, in denomination of one hundred dollars each, dated July first, one thousand eight hundred and eighty-four, payable in twenty years, bearing a rate of interest not to exceed five per cent. per annum, payable semi-annually, represented by coupons attached to the bonds. They shall be numbered consecutively from one to five hundred, and be signed by the mayor and clerk of the city. The bonds shall be secured by a lien upon all the property of the city of Newport, and shall be exempt from city taxation. The bonds shall not be sold for less than their par value.

§ 2. This act shall be in force from and after its passage.

Approved April 4, 1884.

CHAPTER 564.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors, in any quantity less than ten gallons, in precinct number eight, in Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it is hereby made unlawful for any person or persons to sell or vend, either directly or indirectly, any spirituous, vinous, or malt liquors, or any mixture of either thereof, in any quantity less than ten gallons, in precinct number eight, as now laid off and bounded, in Bourbon county.

§ 2. That it shall be unlawful for the county court to grant or issue any license to any person, authorizing such person to sell or vend any spirituous, vinous, or malt liquors in said precinct number eight, Bourbon county, to run longer than to September one, one thousand eight hundred and eighty-four.

§ 3. Any person violating the first section of this act, upon conviction thereof, shall be punished by a fine of not less than fifty nor more than one hundred dollars for each and every violation thereof; and each sale shall be considered a separate offense; and such violation may be prosecuted by indictment in the circuit court, or by warrant issued by the county judge, or any magistrate having jurisdiction.

§ 4. The provisions of this act shall not apply to manufacturers of said liquors in the territory named, so far as it affects the sale of the liquors manufactured by them.

§ 5. This act shall take effect and be in force from and after September first, one thousand eight hundred and eighty-four.

Approved April 4, 1884.

CHAPTER 565.

AN ACT to incorporate the Kentucky Loan and Savings Company and Building Association, of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Lewis E. Casey, Orville J. Wiggins, Harvey Myers, Karl F. Brudorff, H. B. Wells, James P. Orr, and

their associates and successors and assigns, be, and they are hereby, created and constituted a body-politic and corporate, by the name of "The Kentucky Loan and Savings Company and Building Association," with right of succession, and power in that name to contract and be contracted with; to sue and be sued; to plead and be impleaded; to answer and defend in all courts and places whatsoever, as a natural person; and to have and use a common seal, and the same to change, renew, or alter at pleasure; and to ordain and put in execution such by-laws, rules and regulations, not inconsistent with the Constitution of this State or of the United States, as it may deem expedient and proper, and may change and alter the same by a two-thirds vote of the directors of said corporation.

§ 2. The capital stock of the said corporation shall consist of as many shares as the board of directors may, from time to time, deem it expedient to issue, not to exceed in amount, however, the sum of three hundred thousand dollars at any one time. The shares of stock shall be transferable upon the books of the company according to the by-laws.

§ 3. Each share of stock shall entitle the holder to one vote, in person or by written proxy, in all elections of officers and at all stockholders' meetings, and each person owning a share in said association shall be deemed a member thereof, and shall be entitled to share in the profits, earnings, and funds of the said company according to the by-laws thereof.

§ 4. The association, by successive organizations, may distribute among its members series of shares in any number, first completing under each separate organization full payment of all amounts due on all unpaid share or shares.

§ 5. There shall be elected, at each annual meeting of the stockholders, a president, vice-president, treasurer, and five directors, and this number of directors may at any regular meeting of stockholders be increased to not to exceed nine. The said officers shall hold their offices for the term of one year, and until their successors are elected. The incorporators, or their assigns, and such others as may take stock in the company by subscription, may at any time

organize, and thereafter the annual election of officers and stockholders' meeting shall be held on the first Monday in May of each year. The directors may elect a secretary and fix his compensation.

§ 6. Said officers may be paid such sums for their services as the board of directors may designate, and the directors may take from the officers and agents of the company bonds for the faithful discharge of their duty, and the safety and security of its funds and property.

§ 7. The object of this association is to afford its members an opportunity for judicious investment of their weekly savings, and to facilitate and aid them in acquiring a homestead, and to secure to them advantages which could not be individually attained. The order in which the share-holders shall be entitled to receive the amount to which their share or shares may entitle them to from the funds of the said company, shall be decided by lot, publicly, under the supervision of the board of directors, at such times as they shall agree upon and publish to the share-holders; but at no time shall a drawing for money be ordered unless the funds in the treasury equal or exceed one thousand dollars. All members who have not received the amount of the shares held by them from the association shall be entitled to participate in these drawings; but no member in arrears to the association shall be entitled to that right; and no fee, premium, or charge, to exceed five dollars on each share, shall be made for the right of precedence in drawing said funds.

§ 8. Dues upon the shares shall be payable at such times and in such amounts as the board of directors shall appoint.

§ 9. Said association may acquire liens upon real estate or personal property by mortgage or otherwise, not inconsistent with the laws of this Commonwealth, to secure payment to it of all amounts owing by its members.

§ 10. No debts, except in the proper and prudential conduct of the affairs and business of the same, shall be incurred by the association; and the private property of members shall be exempt from the debts of the association.

§ 11. Married women and minors may hold shares in the association; and money paid by them on their shares, or

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by others for them, and the increase thereon, shall be for their own use ; and, in the case of a married woman, under her separate control.

§ 12. The corporators above named may act as directors until the first annual election as above provided, and they may open books for subscription to the stock of the association.

§ 13. The directors shall choose and fix the pay of an attorney-at-law to examine deeds and other papers, examine titles, and report on the same, draft mortgages and other papers, and to give all needed advice, and to attend to all suits at law for the association.

§ 14. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 566.

AN ACT to incorporate the St. Helen's Mining and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. T. Goe, Thomas Carter, J. Stoddard Johnston, J. W. Dodd, and E. M. Pryse, or any three of them who may act, their associates and successors, are hereby created a body-politic and corporate, by the name and style of the St. Helen's Mining and Manufacturing Company; and by that name may sue and be sued, plead and be impleaded, in all matters pertaining to the business and objects of the corporation; and do any and all acts which a corporation incorporated for similar purposes may or can do in fulfillment of its charter and the objects and ends of its organization; may have a common seal, which may be changed and altered at the pleasure of the company.

§ 2. The objects and purposes of said company shall be the mining for coal, iron ore, and any and all minerals or mineral substances, or the direct products of the earth, or any and all of them, and for the cutting of timber, and their manufacture, and refining and transportation to market of the same.

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§ 3. The location and field of mining and manufacturing of said company shall be in Lee and adjoining counties.

§ 4. The capital stock of said company shall be five hundred thousand dollars, to be increased to ten hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be personal property, and assignable in such manner as may be prescribed by the laws of the company. Mines and mining rights may be subscribed as a part or whole of said stock, upon such terms as may be agreed upon by the subscribers and the company.

§ 5. The corporators hereinbefore named, or any three of them who may act, are authorized to receive subscriptions to the capital stock of the company, and when fifty thousand (\$50,000) dollars of *bona fide* subscriptions to said stock shall have been secured, the company may proceed to business in their corporate capacity.

§ 6. The management of the stock, property, and general prudential affairs of said company shall be controlled by a board of not less than three nor more than seven directors, to be chosen for one year by the stockholders; and every stockholder shall have one vote for each share of stock owned by him, her, or them: *Provided*, The directors first elected shall hold their office for the remainder of the current year: *And provided further*, That a president of the board shall be elected by the directors from among them, or the stockholders, who shall hold the office for the same term with the directors. The president and directors must be stockholders of the company, and they may appoint such other officers and agents and employes as they may deem proper. A majority of the directors shall constitute a quorum.

§ 7. The company shall keep a book, which shall be open to the inspection of the stockholders, and each of them, at all times, in which shall be kept the names and amount of stock held and owned by each stockholder, and the amount paid in; also a book in which shall be kept a full and faithful account of the proceedings, elections, rules, and by-laws, and acts of said company, except its accounts and contracts with individuals.

§ 8. The president and directors may make such by-laws as they may deem proper, prescribing the times, places, and manner of holding elections, the transferring of stock, the forfeiture thereof for non-payment, the time and manner of payment, the duties of officers, agents, and employes, their authority and powers, filling vacancies in office, the character, kind, and amount of business, and all such as may be necessary for the proper, prudential, and effective management of the property and business of the corporation and the objects of its creation: *Provided*, The same are not repugnant to this act, the Constitution and laws of this State and of the United States.

§ 9. The personal liability of each stockholder shall only extend to the amount of the stock of which he is the owner.

§ 10. Said company shall have power to take, acquire, and hold such lands, mines, mining and timber rights, as they may deem necessary for the uses of the company, and all such personal property, machinery, boats, floats, and so forth, as may be necessary, and to dispose of any or all of the same for the use of the company and stockholders.

§ 11. The company shall have power to build and construct one or more steam-boats, wagon roads, tramways or railways, from and to their mines and lands, and from said mines and lands to any tram or railways now built or which may hereafter be built, in or through Lee and adjoining counties: *Provided*, That for the condemnation of the right of way or lands for said purposes the same proceedings shall be had as prescribed by the General Statutes for the condemnation of lands for the use of turnpikes and plank roads.

§ 12. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 568.

AN ACT to amend and reduce into one the several acts concerning the Henderson Building and Loan Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the

Henderson Building and Loan Association," approved April the twenty-fourth, one thousand eight hundred and seventy-three, as amended by an act approved February the eleventh, one thousand eight hundred and seventy-six, be, and the same is hereby, amended as follows :

§ 2. That all that part of section one of said act, approved April the twenty-fourth, one thousand eight hundred and seventy-three, after the figures five hundred thousand dollars, be, and same is, stricken out.

§ 3. That all that part of said act approved April the twenty-fourth, one thousand eight hundred and seventy-three, from section three to section nineteen, inclusive, as well as the whole of said amendment of February the eleventh, one thousand eight hundred and seventy-six, be, and same are, repealed, and in lieu thereof, the following sections, from four to seventeen inclusive, enacted :

§ 4. The object of the association created by the act of which this is an amendment shall be the accumulation of a capital in money to be derived from savings and accumulations by the members thereof, to be paid into the treasury of said corporation in periodical installments, and in fixed and certain sums, at such times and in such amounts as shall be hereinafter designated ; the capital thus to be accumulated shall not exceed in the aggregate and full ultimate value thereof, five hundred thousand dollars at any one time, and shall be divided into shares of the ultimate value of one hundred dollars each, which shares may be issued in one or more series, in such amounts and at such times as the board of directors may determine, and payments of dues or installments on each series shall commence and date from the beginning thereof. No person shall hold or own more than twenty shares of unpaid stock in said association, and no shares of a prior series shall be issued after the issue of a new series. Said capital so as aforesaid saved and accumulated from time to time shall be loaned or advanced to members of said association holding one or more of the shares thereof, who may, from time to time, desire to anticipate the ultimate value of their shares ; and such advanced or borrowing members shall give security for the

prompt and continued payment of all periodic installments of dues and interest, fines and premiums, until each of their shares so advanced upon shall reach the ultimate value of one hundred dollars as hereinafter provided.

§ 5. The number, title, functions, and compensation of the officers of said corporation, their terms of office, the time and manner of their election, as well as the qualification of electors, and the time of each periodical meeting of the officers and shareholders, shall be fixed and governed by the by-laws: *Provided*, That in all business transactions at the meetings of the stockholders each member shall have but one vote; except in the election of officers, each member shall have one vote for each and every share owned by him, not, however, to exceed twenty votes.

§ 6. The shareholders and officers shall hold such stated meetings as may be fixed by the by-laws, and at such of those stated meetings as may be designated by the by-laws, each share-holder shall pay into the treasury of the association the periodical installments, to be called dues, on each share subscribed for by him, together with such interest and premiums on advances made from time to time, and such fines imposed on arrears as is hereinafter provided; the moneys so as aforesaid saved and accumulated from dues, interest, premiums, and fines, or from any other source whatsoever, after due allowance made for all necessary and proper expenses, and subject to the provisions hereinafter made respecting the withdrawal and cancellation of shares, shall, at such stated times as the by-laws may fix, be offered to such share-holder or share-holders as may desire to be advanced or borrow upon their shares, and the member offering the highest premium or discount for such priority of right to be advanced or to borrow upon his shares, shall receive an advance of one hundred dollars on each share he may desire to be advanced upon, less the premium or discount so offered by him. In case there shall be a balance of money unadvanced after such stated meeting, the board of directors may, in their discretion, loan same, in such sums as they may think best, for a period not exceeding six

months, and upon such security as they may deem sufficient.

§ 7. For every advance or loan upon stock made to any share-holder, as above provided, a mortgage upon real estate situated in the city or county of Henderson, Kentucky, accompanied by a transfer and pledge of the shares advanced upon, shall be given and made. Said shares so transferred and pledged shall be held by said association as additional or collateral security for the performance of the terms, covenants, and conditions of said mortgage; and all payment of dues by a member so advanced upon his shares, and all profits and gains thereby, and otherwise from time to time accruing, and adjusted and distributed as hereinafter provided to said shares so transferred and pledged, shall be deemed and taken to be payments on account of such advanced shares, until same shall reach the ultimate value of one hundred dollars each. The said mortgage shall recite and set forth the number of shares pledged and transferred, the amount of money advanced thereupon, and shall be expressed to be conditioned for the payment, at the stated meetings, of the periodic dues and interest on the shares so pledged and advanced upon; and all fines chargeable upon arrears of such payments, until said shares shall reach their ultimate value of one hundred dollars each, or until said shares shall be otherwise sooner canceled and discharged, when the mortgage so given and shares so pledged shall be canceled: *Provided, however,* That the shares so advanced upon, without other security, may, in the discretion of the board of directors, be so pledged and transferred as security for loans or advances, to an amount not exceeding the assessed and adjusted value of such shares, at the annual or other settlement and adjustment of the accounts of said association next preceding the time of such loan or advance. In case a share-holder shall, within such time as the by-laws may prescribe, neglect to offer security for an advance, satisfactory to and approved by the board of directors, whose duty it is hereby made to pass judgment on all securities

offered for loans or advances, his right to such advance shall be forfeited for the time being; and he shall be charged with all necessary expenses incurred by the association relative to the transaction, and a fine of not exceeding fifty cents per share, to be fixed by the by-laws, which charges and fine shall be recoverable by the association of such recalcitrant share-holders as other debts of like amount are recoverable under the laws of this State; and the advance thus forfeited shall be subject to re-loan at the next or any subsequent stated meeting. For each and every failure by a borrowing or advanced member to pay his installments of dues and interest at the proper time, the secretary shall charge him with a fine of five cents per share for each and every failure, but no fine shall be charged upon a fine in arrears; and after such member shall have failed for six consecutive months to pay such dues and interest, no further fines shall be imposed against him, provided the by-laws may provide for the remission of the whole or any part of the fines imposed in any particular case, and for the extension of the time within which the installments of dues and interest in arrears may be paid. In case any borrowing member shall fail for three months to pay either or both his installments of dues and interest, his shares advanced upon may be deemed forfeited, and legal proceedings may be instituted upon his securities to recover the amount owing by him to the association, which amount shall be ascertained as follows: He shall be charged with the actual sum of money remaining, after deducting from the ultimate value of his shares borrowed on the premium or discount bid by him for such priority of advance; also with all installments of dues and interest remaining unpaid at the date of casting his account, and unpaid fines imposed, together with such proportion of the premium or discount bid by him as the time which the loan or advance has run bears to the estimated duration of the series borrowed in, which duration shall be taken to be the same as the last matured series; and he shall receive and be given credit for the withdrawing value of his shares transferred and pledged as security

for said loan in accordance with the rule hereinafter in section ten provided for the withdrawal and cancellation of shares, together with the dues paid thereon, since the next preceding adjustment and valuation of shares to the date of making up said account; and the balance found to be remaining due over and above said credits, with six per cent. per annum interest from the casting of such account, shall be enforced and recovered on his security as debts of like amounts are now enforced according to the law of this State. A borrowing member may repay an advance or loan at any time upon application to the association when his account shall be cast and balance due thereon ascertained, in the same manner and by the same rule as is above provided in case of an enforced settlement of a borrowing member's account; and the balance thus ascertained shall be received by said association in full satisfaction and discharge of such loan or advance: *Provided*, That all such settlements of voluntary repayment made at periods intervening between stated monthly meetings, shall be made as of the stated monthly meeting next succeeding such settlement: *And provided*, That a borrowing share-holder, deserving to retain his shares and his membership thereunder, may, at his option, repay his loan as above provided without claiming credit for said shares, whereupon said shares shall be re-transferred to him, and he shall be restored to the status of a non-borrowing member.

§ 8. Premiums for priority of right to receive an advance or loan shall consist of a discount taken from the ultimate value of each share advanced upon, and shall be deemed and taken to be a consideration or bonus paid by the borrowing share-holder for the privilege of receiving in advance the ultimate value of the share or shares so advanced upon, less the premium or discount offered by him; and all such premiums or discounts, together with all dues, installments of interest, fines, and other moneys paid into the treasury of the association, shall constitute a fund which, after paying all expenses and losses incurred and sustained by said association, shall at stated times be adjusted and distributed pro rata to each and every current share, ad-

vanced and non-advanced alike, until each share shall reach the ultimate value of one hundred dollars, or until otherwise canceled, discharged, or withdrawn. The corporation created by the act of which this is an amendment, being of the nature of co-operative associations, therefore no dues, premiums, interest, or fines that may accrue to it in accordance with the provisions of the act creating it as hereby amended shall be deemed usurious, and the same may be collected as other debts of like amount may be collected by the laws of this State.

§ 9. Each share-holder shall pay into the treasury of said association, at each stated weekly meeting, as a contribution to the capital thereof, twenty-five cents as dues upon each and every share subscribed for by him, until each share shall, under the provisions of the act of which this is an amendment as hereby amended, reach the ultimate value of one hundred dollars, or until same shall be otherwise sooner forfeited, canceled, or withdrawn. When each unpledged share shall so reach the ultimate value of one hundred dollars, all payments thereon shall cease, and the holder thereof shall be entitled to receive, and shall be paid out of the funds of said association, the sum of one hundred dollars for each share so maturing and held by him; and from the date of such maturity to the date of such payment he shall also be entitled to receive, and shall be paid, interest on the sum due, at the rate of six per cent. per annum: *Provided*, No such interest shall be allowed any share-holder after he has been notified of the association's readiness to pay such matured shares: *Provided further*, That at no time shall more than one half of the funds in the treasury be applicable to the payment of such matured shares without the consent of the board of directors: *And provided further*, That the directors shall have the power, at their discretion, to retire the unpledged shares of any particular series by enforcing the withdrawal of same at any time after the lapse of three years from the beginning thereof; and the owner of shares so retired shall be entitled to receive not less than the amount paid in by them, with six per cent. per annum interest upon the money so paid in, less any and all fines

existing against same, and a proportionate part of any unadjusted loss; but those whose share may be so retired shall be determined by lot, under such regulations as the board of directors may prescribe. Each borrowing or advanced share-holder shall, in addition to the dues aforesaid, pay on each share advanced upon fifty cents per month at each stated monthly meeting as interest installments, until such shares shall reach the ultimate value of one hundred dollars each, when said shares and loan shall be deemed canceled and satisfied, unless otherwise sooner paid off and discharged.

§ 10. A share-holder may withdraw at any time by giving thirty days' notice to said corporation of his desire to do so, on a book to be provided by said association for that purpose, when he shall be entitled to receive the amount of dues paid in by him on each of his shares, together with such proportion of the profits per share as assessed and adjusted at the settlement, adjustment, and division of assets, profits and losses next preceding such notice as the by-laws may prescribe, less all fines and a proportionate part of all losses and expenses accruing subsequent to said next preceding assessment and adjustment; but at no time shall more than one half of the funds in the treasury be applicable to the demand of withdrawing members without the consent of the board of directors, and the demands of withdrawing members shall be paid off in due order of their time as fixed by their notice to the association in this section provided for; but no share-holder shall be entitled to withdraw whose shares are held in pledge as security for a loan or advance, except as in the manner hereinbefore provided for the repayment of a loan.

§ 11. Non-advanced share-holders who shall make default in the payment of their periodic dues shall be charged a fine of five cents per share for each and every such default, but no fine shall be charged upon a fine in arrears. The shares of any non-borrowing share-holder who shall continue in arrears in the payment of his periodic dues thereon for a longer period than six consecutive months, may, at the option of the board of directors, upon thirty days' notice to

such defaulting share-holder, be declared forfeited, and in default of payment of all dues in arrears and fines thereon before the expiration of said thirty days the withdrawal value of such shares at the time of said first default shall be ascertained, and, after deducting therefrom all fines and other legal charges, the balance remaining shall be transferred to an account to be designated the "forfeited share" account, and shall be held by said association subjected to the order of the defaulting share-holder entitled to the same, without any interest from the time of such transfer; and upon notice given in the manner hereinbefore in section ten provided for the withdrawal and cancellation of shares, he shall be entitled to receive same in due order of his turn out of the proceeds appropriated to withdrawals.

§ 12. All installments and moneys received by the association shall be receipted for by a person or persons designated by the board of directors, in a pass-book to be held by each member, and provided by the association, plainly marked with the name of the holder thereof, and showing the number of shares held by him, and the number or designation of the series or issue to which such shares respectively belong. All moneys so received by the association shall be entered by the proper officer in a book kept for that purpose; and the entries therein shall be so made as to show the name of the payer, the number of shares paid on, and the series or issue to which they respectively belong, together with the amount of dues, interest, premiums, and fines paid thereon, as the case may be. All payments made by said association shall be made only upon order, check, or draft upon the treasurer, signed by the president and secretary, and indorsed by the person or persons in whose favor same is drawn; and no such order, check, or draft shall be made or paid, unless authorized by an order of the board of directors. The name of the payer, the amount paid, and the purpose, object, or thing for which said payment shall have been made, together with the date of such payment, shall be entered on the counterfoil or margin of said order, check, or draft. The treasurer shall secure the safe-keeping of all money, balances, assets, secu-

rities, and property of the association in such manner as the by-laws may direct. The profits and losses may be adjusted annually, semi-annually, or quarterly to the shares advanced and non-advanced alike, then existing, but shall be adjusted once in each year at least; and whenever a new series is issued, it shall be the duty of the secretary of the association to make out a statement, in writing, sworn to by him, and forward same to the Auditor of State, on or before the first day of July in each year, showing the actual gross amount of dues paid into the treasury of the association for the twelve months preceding the first meeting for payment of dues in the month of March; and the association shall pay into the Treasury of the State, on account of its share-holders, on or before the first day of October in each year, fifty cents on each one hundred dollars of such dues, and the property thus taxed shall be otherwise exempt from all taxation, State, county, or municipal; but this exemption shall not apply to the real estate owned by the association.

§ 13. No fines shall be charged against a deceased member from or after his decease, unless the legal or personal representative shall, on behalf of such decedent's estate, assume to continue the payment of such decedent's periodic dues and installments of interest. Upon the death of a non-borrowing member, the withdrawal value of his shares shall be ascertained as of the date of his death, according to the rule in section ten provided, which withdrawal value, upon thirty days' notice by such decedent's personal representatives of his desire to withdraw same, given to the association as provided in said section ten, shall be paid to such personal representative out of the funds devoted to the payment of withdrawals according to the provision of section ten, which payment shall operate as a cancellation of such shares. Upon the death of a borrowing member his account with the association shall be made up as of the date of his death, according to the rule in section seven provided for ascertaining the amount due in case of repayment of a loan, and the balance thus found due, with six per cent.

interest from date of casting the account, shall be recoverable and collectable of said decedent's estate in the same manner and to the same extent as other debts of like amount against decedents are by laws collectable and recoverable. Should the personal representative of a deceased shareholder, within sixty days after his qualification as such, elect to keep up the payment of his decedent's periodic dues and interest, and retain said shares, he shall pay up the dues and interest accrued since the member's decease, and such part of the fines due upon such deferred installments of dues and interest as may be fixed by the by laws.

§ 14. The association is authorized and empowered to purchase, at any sheriff's or other judicial sale, or at any other sale, public or private, any real estate upon which such association may have or hold any mortgage, judgment, lien, or other encumbrance, or in which it may have any interest, and the real estate so purchased to hold, sell, convey, lease, or mortgage to any person or persons whatsoever.

§ 15. The board of directors may employ such attorneys and agents to act for the association as in their judgment its business may require, and may fix the compensation for the services performed. Each person, upon becoming a member of the association, shall pay into the treasury thereof a membership fee of not exceeding two dollars, and upon transferring stock to others than the association, a transfer fee of not exceeding two dollars, which fees shall be fixed by the by-laws, and shall constitute a fund to be devoted towards the payment of the expenses incurred by said association. The payment of the membership fee, or of one week's dues, by any person, shall constitute such person a member of the association, and be deemed and constitute a subscription by such person for the number of shares specified by him. The shares of stock in this association shall be deemed personal property, and shall be transferable only on the books of the association by the owners thereof, either in person or by attorney, and no transfer of stock or shares shall be made upon which the asso-

ciation has any claim or lien without the consent of the board of directors.

§ 16. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 569.

AN ACT creating the Jamestown District, in Campbell county, authorizing the district to issue bonds to pay off the indebtedness of the Jamestown sub-magisterial district, and to levy and collect a tax on the realty and personalty in the district to pay the interest and principal of the bonds so issued, establishing the proper officers to carry these provisions into effect. Title.

WHEREAS, By an act, entitled "An act to authorize a portion of Jamestown magisterial district, in Campbell county; to purchase the Newport and Dayton Turnpike, and to bridge Taylor's creek," approved April first, one thousand eight hundred and seventy-three; and "An act to amend an act, entitled 'An act to authorize the Jamestown magisterial district, in Campbell county, to issue bonds,'" approved February twenty, one thousand eight hundred and seventy-four; and "An act to legalize the issue of certain bonds issued by the commissioners of a portion of the Jamestown magisterial district, in Campbell county," approved March fifteen, one thousand eight hundred and seventy-six; and "An act to amend an act authorizing a portion of the Jamestown magisterial district, in Campbell county, to be taxed to purchase the Newport and Dayton Turnpike, and to bridge Taylor's creek," approved March sixteenth, one thousand eight hundred and seventy-six; and "An act to amend the several acts heretofore passed in relation to the Jamestown magisterial district, in Campbell county," approved respectively April twenty-first, one thousand eight hundred and seventy-three, March sixteenth, one thousand eight hundred and seventy-six; and to provide for the sale of lots and lands delinquent for taxes in said district, approved March nineteenth, one thousand eight hundred and seventy-eight, the sub-magisterial district of Jamestown was established and authorized to issue bonds for the purposes above specified, and that the bonds of said Preamble.

district were issued and made a lien for their payment on all the realty in the district above described; that said bonds were issued for ten years, commencing in the month of August, one thousand eight hundred and seventy-four, and ending in August, one thousand eight hundred and eighty-four, and that the sinking fund of said district has no money on hand to pay off the said bonds maturing this year; now, in order to pay off said bonds, and authorize the same district, under the name of "Jamestown District," to issue new bonds, and take up said bonded indebtedness, and create a lien on all the property in said district subject to taxation for the payment thereof; and to provide for the levying and collection of an ad valorem tax each year on all the property in said district, and for a sale of lots and lands for delinquent taxes due said district; and to establish certain offices to carry out the provisions of this act, and to provide rules and regulations for the government of said district,

Enacting clause. *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the district in Campbell county, Kentucky, named in the preamble of this act as the Jamestown sub-magisterial district, be, and the same is hereby, merged into a district to be called and hereby established as the "Jamestown District;" and that the territory of the first formed district shall be, and is hereby, made the territory of the said Jamestown district, and is described as follows: Commencing on the Ohio river, in said county and State, at the mouth of Taylor's creek; thence southwardly up said creek as it meanders to the Covert Run Turnpike Road; thence with said road eastwardly to a point where the east line of the Bellevue or home tract of General James Taylor, deceased, intersects the same; thence in a straight line to the southeastern corner of the corporation of the city of Dayton and the Ohio river; thence westwardly down the Ohio river as it meanders to the place of beginning, embracing the town of Bellevue and the city of Dayton, and other lands in said boundary.

Debts of Former District.

§ 2. All the debts of the said Jamestown sub-magisterial district, consisting of bonds issued as aforesaid, and interest on the same, are hereby assumed by the said Jamestown district, and shall be paid as hereinafter provided. Former debts.

Inconsistent Acts.

§ 3. All acts or parts of acts of the General Assembly of the Commonwealth of Kentucky in relation to the said former district, which are inconsistent with this act, are hereby repealed: *Provided*, That no act performed by said former district under the acts named in the preamble to this act shall be invalidated by this act: *And provided further*, That all sales of lots and lands made under or by virtue of any of the acts as aforesaid mentioned in this act, on account of being delinquent for the unpaid taxes in said district, shall remain valid, and the provisions of said former acts in regard to the certificates of sales and deeds for lands and lots so sold shall be carried out by the proper persons mentioned in said acts as if this act had not been passed. Inconsistent acts repealed.
Proviso.
Sales of lots and lands to remain valid, etc.

Officers of the District.

§ 4. For the purpose of carrying out the provisions of this act, and properly governing said district and its finances, the following officers are hereby authorized and established for the district: first, commissioners, to consist of three persons; second, one assessor with his deputies; third, solicitor or counselor, to consist of one attorney; fourth, one treasurer, with the duties and powers hereinafter specified. Officers of the district.

Precincts.

§ 5. For the purpose of electing the three commissioners, the assessor and the treasurer, and creating voting places for the convenience of the citizens residing in said district, the said Jamestown district is hereby divided into two precincts, to be known as the Dayton and the Bellevue precincts. The Dayton precinct shall consist of all of that portion of the district lying east of the west line of the city of Day- Precincts and boundaries.

ton—that is, all east of a line running north and south between the city of Dayton and the land known as the Harris farm; the Bellevue precinct shall consist of all of that portion of the district lying west of said line.

Election of Officers.

Elections are bi-
ennial.

Comparing board

Contested elec-
tions.

§ 6. On the first Monday of April, one thousand eight hundred and eighty-four, and every two years thereafter, an election shall be held in said district for the election of commissioners, assessor, and treasurer. The commissioners shall be elected in such manner that one shall be from Bellevue and one from Dayton, the third may be from either place; all votes cast for these commissioners from any one precinct shall not be counted; the three commissioners shall meet at the sheriff's office in the city of Newport on the first Saturday after their election in the year one thousand eight hundred and eighty-four, and determine by lot the time of their service—who shall act for two, who for four, and who for six years; the assessor and the treasurer elected at the first election shall serve for six years. The Dayton city council, and the Bellevue board of trustees, are hereby duly authorized to compare the polls and award the certificates of election; they shall meet on the first Wednesday after the first Monday in April, in the year one thousand eight hundred and eighty-four, and biennially thereafter at the council chamber in the town of Bellevue, at the hour of eight o'clock in the evening, at which time and place the poll-books for the district election shall be returned by the clerks of election, and shall be examined as said city council and board of trustees shall determine. Said city council shall send four members, and said board of trustees shall send four members, and they shall constitute the comparing board. They shall elect one of their members as chairman, and he shall not have a vote except in case of a tie vote in said board; and their decision in contested cases shall be final; they may adjourn from time to time, and from place to place, if a quorum cannot be obtained at said time, but not for more than three nights;

they may compel the attendance of absent members, each council or board of trustees for their own members.

Term of Office.

§ 7. The terms of office of commissioners, assessor, treasurer, shall be for six years each, except in the case of commissioners at the first election as above provided.

Qualifications of Officers.

§ 8. Each commissioner, treasurer, assessor, and attorney shall possess, at the time of their election or appointment, the following qualifications; and if any one of them should lack any of the qualifications hereinbelow set forth, he shall be ineligible, and a certificate shall not be awarded to him, nor shall the acts of the officer be valid lacking any of these requisites, even if the comparing board award him a certificate of election. Each officer, as above set forth, shall be at least twenty-four years of age, the owner of real estate in the district; he shall be a house-holder, a citizen of the United States, and a resident of the district or precinct for which he is elected, except the attorney, who shall not be required to be a resident of the district, but shall possess all the other qualifications named.

Officers of Election.

§ 9. The city council of Dayton and the board of trustees of the town of Bellevue shall have the power of appointing officers of election for their respective precincts, and the officers of election for Bellevue for the year one thousand eight hundred and eighty-four may serve for the Bellevue precinct, and the officers of election for the third ward for the year one thousand eight hundred and eighty-four for the city of Dayton, may serve for the Dayton precinct; and in the year one thousand eight hundred and eighty-six, and biennially thereafter, said council and said board of trustees shall appoint officers of election, consisting of one clerk and two judges of election, to serve for their respective precincts; they shall be sworn according to law, and shall be voters under the laws of the State of Kentucky of their respective precincts.

Place of Voting.

§ 10. The city clerk's office in the city of Dayton shall be the place of voting in the Dayton precinct, and the council chamber of the town of Bellevue shall be the voting place of the Bellevue precinct. If for any cause the vote cannot be taken at the places named, the officers of election may adjourn to some convenient place, first proclaiming the place to which they adjourn, and posting written notices at the place from which they have adjourned.

Hours of Election

§ 11. The hours of election shall be from six o'clock in the forenoon until seven o'clock in the afternoon.

Time of Election.

§ 12. The election for district officers shall take place on the first Monday of April, one thousand eight hundred and eighty-four, and biennially thereafter.

§ 13. All officers elected by the voters of said district shall qualify by taking the oath required by the Constitution of the State of Kentucky, and to faithfully discharge the duties of their office, and give the bond required by this act for the office to which he is elected or appointed, within one month from the time of his election or appointment, if it is a vacancy he is to fill.

President and Secretary.

§ 14. The commissioner having the shortest time to serve shall be the president of the Jamestown district board of commissioners, and the commissioner having the longest time to serve shall be the secretary or clerk of the said board, and custodian of the books and papers of the district.

Assessor and his Duties.

§ 15. It shall be the duty of the district assessor to assess all the property of said district, both real and personal, placing a fair cash value upon the same; and his valuation shall be of the tenth day of January in each year. He shall commence his duties as soon after he is elected as he can qualify, and has given the bond required in the year

one thousand eight hundred and eighty-four, and from the tenth day of January in each succeeding year. It shall be his duty to personally, or through his assistants, see each resident owner of property, and take his or her list; he shall assess each lot or piece of land to the proper owner; he shall give the number of each lot; the number of front feet of the lot; the name of the street or alley upon which it fronts, the depth of the lot, and if the lot is not the same width in rear or in front, he shall describe the same, as well as lands, in such a manner as it can be found by the sheriff, and properly sold in cases of suits in court; he shall give the divisions or subdivision in which the lot lies, as appears of record in the office of the Campbell county clerk, at Newport, Kentucky, and the name of the town or city in which it is located. He shall, in all cases, give the name of the owner as it appears of record, giving the first name or initials in each case; and if the property belongs to a married woman, he shall give the name of the husband also; if the property belongs to infant children, he shall give the names of each of the children; if he cannot find the name of the owner of any lot or land, he shall report that fact to the commissioners, who shall cause an abstract of such lot be made, and the assessor shall list the property by such abstract. He shall return his books to the commissioners on the first Monday of May in each year for examination, at the office of the sheriff of Campbell county, at Newport, Kentucky; he shall receive as compensation for his services fifteen cents for each list—a list to consist of one name, with all the property the person has, either real or personal. He shall give bond to the said district in the sum of five thousand dollars for the faithful performance of his duties; and he and his sureties shall be liable for any and all loss which said district may sustain by reason of his failure or neglect, by himself or his assistants, as herein prescribed; and should the said district sustain any loss by any decision of a court of this State on account of the failure of the assessor to discharge his duties as herein set forth, said district shall recover the amount so lost from the assessor by suit on his bond, or against himself individually. The

sureties on the assessor's bond shall be two in number at least, and shall be worth in the aggregate the sum of five thousand dollars in real estate in this State, over and above the homestead exemption, and all debts and liabilities. The commissioners shall retain twenty per cent. of the amount alleged to be due the assessor, until one year has elapsed from the June following the return of his books; and all expenses incurred by the district on account of the assessor's failure or neglect, shall be paid out of the twenty per cent. thus retained. All property in said district, both real and personal and mixed, shall be assessed, except property exempt from taxation under the laws of the State of Kentucky or United States.

The Treasurer and his Duties.

§ 16. It shall be the duty of the treasurer to safely keep all the funds, including bonds and money, belonging to the district, and deposit the same in some solvent bank. He shall once in each month inspect the books of the sheriff, and collect from him the money due the district, giving his receipt for the same, which receipts shall be the sheriff's vouchers in his settlement with said commissioners, made semi-annually. He shall not pay out any money belonging to said district, except upon an order of the board of commissioners, signed by the president and countersigned by the secretary of the board. He shall act with the commissioners in disposing of the bonds authorized by this act. He shall sign each bond and its attached coupons; and shall perform such other acts as may be enjoined upon him by this act, or by a resolution of the board of commissioners. He shall receive, as compensation for his services, the sum of one hundred dollars per annum, payable out of the funds of the said district. He shall give bond, with at least two sureties, who shall be worth in the aggregate at least ten thousand dollars in real estate situated in Kentucky, over and above homestead and all other exemptions, debts, and liabilities.

District Attorney.

§ 17. Said commissioners shall, on the first Saturday after their election in the year one thousand eight hundred and eighty-four, and every six years thereafter, meet at the office of the sheriff of Campbell county, at Newport, Kentucky, and proceed to elect an attorney-at-law, who shall be the district solicitor and counselor. The commissioners [shall] fix the salary of said attorney before his election, not to exceed the sum of three hundred dollars per annum; and the said salary shall not be changed during the term of his office: *Provided*, That upon proof of competent persons, and from their own knowledge, the services of the attorney have been rendered extra, at their order, as for example, examinations of title, defending or prosecuting in suits at court, or for collecting sums due the district, they may allow such reasonable fees as the judge of the Campbell circuit may determine, after hearing the testimony, in or out of term time, as a referee, and not in court. The term of office of the attorney shall be the same as the assessor, treasurer, and commissioners: six years from the time of his appointment. It shall be the duty of the attorney, under the order of the commissioners, to prepare the form of the bonds authorized by this act, with their attached coupons; see that they are properly lithographed. He shall draw all bonds of officers, and prepare the affidavits of the sureties of officers to enable the commissioners to ascertain the value of the property owned by such sureties. He shall prepare all notices, draw all contracts, and shall be the official adviser of the officers of the district in all matters appertaining to the control, management, and finances of said district; and shall give written opinion on matters relative to this act, when so required by a resolution of the board of commissioners. He shall attend the sittings of the board of commissioners, when required so to do by them. He shall give bond in the sum of two thousand dollars for the faithful performance of his duties, if required so to do.

The Commissioners.

§ 18. The commissioners of the Jamestown district shall consist of three persons, with the qualifications above given; they shall be duly sworn according to the Constitution of the State of Kentucky, and to faithfully perform the duties assigned to them under this act; they shall each give bond in the sum of five thousand dollars, with at least two good sureties worth in the aggregate the amount of their bond. Said sureties shall possess real estate in this State, over and above all exemptions, debts, and liabilities, the sum of five thousand dollars. Said bond shall be executed in duplicate, and must be executed before the president of council of the city of Dayton, and the president of the board of trustees of the town of Bellevue, and if approved by them, a minute of approval, signed by them, shall be made on the commissioners' books. The bonds and affidavits shall be returned by the several presidents to their respective council and board of trustees and filed, with a minute thereof, among the records of said city and town. Said commissioners shall, on the first Monday of January, one thousand eight hundred and eighty-five, and the first Monday in June of each year, inspect the bonds of all officers of the district, and if they shall find them insecure, cause the officer to renew his bond, and if he fails or refuses, they may remove him and appoint another person to discharge his duties. The commissioners are hereby duly authorized to pass all resolutions necessary to carry out the provisions of this act; and all officers of the district shall conform thereto, or he may be removed and another person substituted in his place.

Supervisors of Assessor's Books.

§ 19. The commissioners shall, on or before the first Monday of May in each year, cause the assessor's books for that year to be examined; they shall have the same power to correct all errors therein, either as to property, description of the same, name of owner, or wrongful assessment, as the board of equalization or board of supervisors of the county for State taxes now have, and in addition, they shall personally see that the district

assessor has each year complied with this act in regard to his assessments; but a failure to do this on their part shall not excuse the assessor or his sureties on his bond for any neglect on the part of the said assessor to do his duty as required herein. The said commissioners shall cause the assessor's books to remain in the said sheriff's office for six days, commencing on the first Monday of May in each year, open to the free inspection of all persons interested therein, and at least one commissioner shall be present from nine o'clock, forenoon, until four o'clock, afternoon, during the said time. All complaints shall be presented to the said board and acted upon by them; they are hereby vested with the power to raise or lower any property listed by the assessor, or add any omitted property; but before they shall raise the value of any property, they shall notify the person owning the same to appear before them, on a day to be specified in the notice; they shall keep a record of all their proceedings, and shall correct the assessor's books thereby; they shall examine the condition of the Jamestown sub-magisterial district, and make a record of their findings, the bonds, money on hand, if any, after the interest for the year in which the bonds severally become due are paid; they shall then examine the assessor's books, the sheriff's books, and the Jamestown sub-magisterial district commissioner's books, from one thousand eight hundred and seventy-four to one thousand eight hundred and eighty-four; and if any amount is found due said district, to proceed to collect the same as they shall deem best by contract; and if any amount is found due said district after the payment of the expenses of obtaining this charter, which they are hereby authorized to pay upon proof of services, they shall redeem such bonds now outstanding of said former district as they may have funds therefor; they shall then make an estimate of the expenses of said district for the coming year one thousand eight hundred and eighty-four, the salaries of officers and sheriff's fees, and the expenses of obtaining the new charter of the Jamestown district, the interest on the bonds to be issued as hereinafter mentioned; and for the purpose of paying said expenses and interest, they shall thereupon levy an

ad valorem tax on all the realty and personalty in said district, from the assessor's corrected lists, not to exceed sixty cents on each one hundred dollars valuation; and in the month of May, in the year one thousand eight hundred and eighty-five, and each year thereafter, shall make an estimate of the necessary expenses of the district, including salaries, interest on bonds, sheriff's fees for collecting the annual tax; they shall thereupon, from the assessor's corrected books, levy an ad valorem tax, not to exceed sixty cents on the one hundred dollars valuation in any one year, on all the real and personal property assessed in said district, to pay said expenses and said interest, allowing the sum of five hundred dollars for shortage and contingencies; and in every year, if they shall so desire and deem best for the district, the further sum of five hundred dollars, to be called the sinking fund, to pay off the bonded indebtedness thus established. If said sum of five hundred is considered by said board in any year as judicious, they shall include it in their annual resolution levying the annual tax; and if the same is collected, they are hereby empowered to invest the same in good real estate investment, becoming responsible upon their bonds for the safety of such investment; and at the end of ten years from the first day of June, one thousand eight hundred and eighty-four, such invested amount, known as the sinking fund, shall be used to redeem the bonds issued under this act, the interest to be applied to the principal in redeeming, and the bonds to be redeemed at par value; they shall then proceed to make out the tax-bills for said district in a book with stubs attached, showing the name of the taxpayer, the date of the bill, the number, and the amount of tax, said book to be specially provided for that purpose. They shall deliver the said tax-book into the sheriff's hands for collection, on or before the first Monday of July in each year, taking his receipt for the same. Each of the tax-bills shall bear the name of the treasurer; if of said bills remain unpaid on the first Monday of September of each year, such bills shall be returned by the sheriff to the district treasurer, who shall thereupon stamp all such bills

“delinquent,” and the commissioners shall order the treasurer to enter a penalty of six per cent. of the amount of the bill, and add such penalty to the principal of each bill; such delinquent bills shall, within five days after the said first Monday of September in each year, be re-delivered to the sheriff, who shall proceed to collect such bills as other taxes of the State of Kentucky are collected, with the said penalty attached, unless otherwise provided by this act, to pay for the costs and expenses of collection.

Sheriff or Collector and his Duties.

§ 20. The sheriff of Campbell county shall be the collector of the taxes herein specified; and in the event of his failure or refusal to act, his place shall be filled by the commissioners by appointment, and such appointee shall be governed by the same rules and regulations, and proceed in the same manner, as the sheriff would do. The sheriff shall give bond, on or before the first day of July in each year, in the sum of five thousand dollars, for the faithful performance of his duties; said bond to be approved by said commissioners, and made payable to the Jamestown district. He shall receive six per cent. of all the amount collected by him as compensation for his services.

Advertisement.

§ 21. The sheriff shall, immediately upon the receipt of the tax-bills above mentioned, proceed to advertise, by printed posters, in connection with the State tax, or separately, posted in at least fifteen places in each precinct, stating that the taxes for that year on all the real and personal property in the said district, for the purposes herein mentioned, are due and payable at his office, and must be paid on or before the first Monday of September, or a penalty of six per cent. will be added; and if not paid on or before the fourth Monday of December following, the property delinquent at that time will be sold at public sale in the city of Dayton, in front of the mayor's office, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, to pay the delinquent taxes thereon, and the cost and expenses of sale.

Sale of Lots and Lands for Taxes.

§ 22. If the said tax-bills are not paid to the sheriff on or before the fourth Monday of December in each year, the said sheriff is hereby duly authorized, empowered, and directed to sell at public auction, on the fourth Monday of December in each year, the lots and lands in the said district, or so much of any lot or piece of land, to pay the tax assessed against them, together with the per cent. penalty and cost of sale. Before making any such sale, the sheriff shall give public notice of the day of sale, by printed notices posted in at least fifteen public places in each precinct of the said district, and in the city of Newport, Kentucky, at least fifteen days before he proceeds to sell. The said notice of sale shall contain a full list and description of all lots and lands to be sold for the payment of the delinquent taxes aforesaid, giving the name of the owner, if known, if not, then as unknown owner, together with the number of each lot, the amount of tax, per cent., per cent. and penalty, and cost charged against the same. Such sales to be made in front of the mayor's office, in the city of Dayton, for all property in said advertised list, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of the day of sale, and to be named in the notice aforesaid.

§ 23. If for any cause such sale cannot be made on the said fourth Monday, as for example, if the said day of sale should be a legal holiday, then the day of sale shall occur on the first Tuesday after the fourth Monday of December in such year, and shall be valid for all the purposes of this act.

§ 24. Within six days after the sheriff shall have made the sale aforesaid, he shall make a full return of the same, showing the property sold, to whom sold, together with a copy or one of the advertisements showing the delinquent list to the clerk of the Campbell county court at Newport, Kentucky, who shall record the same in a book which he is hereby required to keep for that purpose.

§ 25. The said sheriff shall, on demand, deliver to each purchaser, on the payment of twenty-five cents, a certificate:

of purchase, describing the property and the amount of tax, penalty, and costs for which the same was sold, which certificate shall be assignable.

§ 26. It shall be the duty of the sheriff of Campbell county, at any time the same may be demanded after the expiration of two years from the day of sale, to make a good and valid deed to such purchaser, his heirs or assigns, for the property by him purchased at such sale, which deed shall pass all the estate, legal or equitable, of the owner or owners of such lot or part of lot or lands, whether known or unknown; and such deed, or a certified copy thereof, after having been recorded in the office of the Campbell county clerk's office, at Newport, Kentucky, shall be received in all the courts of this Commonwealth, *prima facie*, as evidence of the title in the purchaser, or his or their heirs or assignee or assigns; and the sheriff shall receive one dollar for each deed made by him, to be paid by the purchaser; each deed to contain a full description of the lot or land so sold owned by the taxpayer at the time of the sale, and shall be made in the name of such owner by the sheriff in virtue of the owner; and the said county clerk shall record said deed, when left with him for record, as other deeds are recorded, and indexed in the name of such taxpayer, owner of such lot so sold by said sheriff; and shall receive the fees allowed by law for his services, provided the State tax on such deed is paid. All the fees herein allowed in such case shall be paid by the purchaser, his heirs or assigns: *Provided, however*, That the owner or owners of such lot or land shall have the right to redeem the same within two years after such sale by paying to the sheriff in office the total amount for which the same was sold, together with thirty per cent. damages thereon, and all taxes paid subsequent to the day of sale by the purchaser, his heirs or assigns, with six per centum per annum thereon, which the sheriff shall pay over to the purchaser, his executor, administrator, or assigns, and such redemption shall be entered upon the record-book of sales aforesaid: *And provided further*, That all infants, married women, and per-

sons of unsound mind, shall have two years from the time their respective disabilities are removed to redeem their lots or lands sold under the provisions of this act, as provided above; but the committee or next friend of a person of unsound mind shall be allowed only five years from the day of such sale, or two years after notice in writing by the purchaser or his assignee, to redeem the same, though such disability shall continue longer.

§ 27. The said commissioners are hereby empowered and vested with full authority, and are directed, during the month of May, in the year one thousand eight hundred and eighty-four, to issue bonds for the Jamestown district, in Campbell county, Kentucky, in a sum not to exceed forty-five thousand dollars, to pay off with the proceeds of the same, or exchange for the present outstanding bonds and indebtedness of the sub-magisterial district of Jamestown before mentioned; and when said bonds are issued as hereinafter specified, they shall be used for no other purpose than to pay off or exchange for the present outstanding bonds of said Jamestown magisterial district. Said commissioners are hereby expressly empowered to issue and dispose of the said bonds of the said Jamestown district to the said amount of forty-five thousand dollars for the purpose only mentioned in this act.

§ 28. Said bonds shall be of the denominations of one hundred, five hundred, and one thousand dollars each, as said commissioners may determine; they shall be numbered serially as they are issued, commencing with the number one, and shall be issued in book form, with stubs attached; said book shall remain among the records of the district, and the stubs shall show (a), the number of the bond; (b), the amount; (c), the date of sale, if sold, or exchange, if exchanged; (d), the person to whom the bond was sold, or with above exchanged; (e), the amount received for the bond. Said bonds shall be made payable thirty years after this date, with the option upon the part of the said district to pay them at any time after ten years from their date, bearing interest from date at the rate of six per centum per annum, payable semi-annually; the interest as it matures,

and the principal, when due, to be made payable at such place as the said commissioners may determine, and cause to be designated in the said bonds. Interest coupons shall be attached for each semi-annual installment of interest, the coupons of each bond to be numbered serially from one to sixty, inclusive; and each coupon to bear the serial number of the bond to which it is attached; each of said bonds shall be signed by the three commissioners, and countersigned by the district treasurer, and shall have the district seal attached thereto; each of said coupons shall be signed by the district treasurer. Said bonds and coupons shall be made payable to bearer, shall pass by delivery, and when issued and disposed of as herein provided, shall have the force and effect, and be placed upon the same footing, as bills of exchange.

§ 29. Said bonds, when duly prepared, or portions of them, from time to time, shall be disposed of by the said commissioners with the district treasurer, by redeeming the outstanding bonded indebtedness of the Jamestown sub-magisterial district, or sold for not less than their par value, and with the proceeds of such sales pay off and redeem any of the present outstanding bonds and indebtedness of said Jamestown sub-magisterial district, upon such terms as the said commissioners may determine. But in no event shall a greater amount be paid or allowed in exchange for any of the present outstanding bonds than their par value.

§ 30. Said commissioners shall, on or before the first Monday in June in the year one thousand eight hundred and eighty-five, and annually thereafter, make a full and complete settlement of the financial affairs of the said district, showing the total amount received in money, the total amount paid out, with the proper vouchers for all expenditures. Said settlement shall be made in triplicate, one copy to be sent to the city council of the city of Dayton, one copy to the board of trustees of the town of Bellevue, and one copy to be retained in the office of the commissioners, and spread upon their record; the vouchers to remain in their office.

§ 31. The city council of the city of Dayton, and the board of trustees of the town of Bellevue, shall each ap-

point a committee to examine said settlement. Said committee shall meet at some place to be chosen by themselves, and examine said settlement, and if the same is found to be in accordance with this act, they shall report their finding to their respective council and board of trustees; each of which bodies shall thereupon order said copies respectively to be filed, and kept among the papers of said town and said city. If the report of the committee be against said settlement, the said city council and the said board of trustees shall refer the settlement to the judge of the Campbell circuit court, who may hear the matter out of term time, and his decision shall be final. If the settlement is, in his opinion, correct, the proceedings hereinbefore mentioned shall be carried out; if the settlement is found by him to be incorrect, he shall specify in what regard, and the said commissioners shall alter their report in conformity with his decision, and their corrected settlement proceeded with as before set forth.

Lands and Lots not Sold for Want of Bidders.

§ 32. If any lots or lands delinquent for district taxes, as herein set out, shall, at any of the tax-sales aforesaid, be not sold for want of bidders, the same shall be struck off to the said commissioners for the benefit of the said district. Said commissioners shall hold said lots and lands for the said district to pay off the said bonds. Said lots and lands, however, in the hands of said commissioners, may be redeemed in the same manner and mode as provided for above in the case of purchasers. If said lots and lands held by the commissioners shall not be redeemed within the time limited by this act, they shall sell and convey the same, and apply the proceeds to pay the interest on the coupons, interest on said bonds, and the bonds themselves, as they may deem best.

§ 33. If the sheriff shall fail to make the annual sale of lots and lands that may be delinquent in the said district as required by this act, then he shall, for each year he neglects the same, forfeit and pay the sum of five hundred dollars to said district, and the district commissioners shall have the

right to sue for and recover the same in the Campbell circuit court, and the amount so recovered shall be held by them as a sinking fund, as herein mentioned, to pay off the district bonds at any time after ten years from the time of this issue.

§ 34. A lien shall exist on all the property, both real and personal, in the said Jamestown district, for the payment of the bonds issued under this act, including the interest of each year; and a lien is created and shall exist on all the property in said district for the payment of the tax assessed against the same after the commissioners have made the annual levy each year; and in the event that personal property is assessed on the same list as real estate to any taxpayer, the real estate, when offered for sale, shall have the amount of personalty added thereto, as the sheriff may make a levy and sale for the taxes due on personalty as in case of State taxes.

§ 35. The commissioners may cause this act to be printed, and pay for the expense of the same out of the district funds. They may purchase a safe for the papers of the district and office furniture; to purchase the proper books for the district officers, and the necessary stationery to be used in the official business of the district.

Voters.

§ 36. All persons are entitled to vote for the officers of this district who are qualified voters under the Constitution and laws of Kentucky for State officers.

Old Bonds to be Destroyed.

§ 37. The commissioners shall destroy the bonds of the Jamestown sub magisterial district as soon as they have obtained by exchange for the new bonds, or by purchase with the money obtained from the sale of the new bonds. They shall make a minute of their proceeding, showing from whom the bond was received, its amount, date, and number, and the number and amount of the new bond, if an exchange was made.

Vacancy.

§ 38. A vacancy in a district office may be caused by death, resignation, failure to qualify within thirty days after

their election or appointment, a lack of any of the requisites laid down by this act, failure to give bond, no election, dismissal from office, removal from district, or other cause. A vacancy in the office of treasurer, assessor, collector, or attorney, shall be filled by the commissioners for the unexpired term of such office. Vacancy in the office of commissioner shall be filled for the unexpired term of the same by the city council of Dayton, if members whose place is to be filled was from the Dayton precinct, and by the board of trustees of the town of Bellevue, if the said members was from the Bellevue precinct.

§ 39. If a commissioner is elected from one precinct and afterwards moves to another, such removal vacates his office; if the treasurer or assessor removes from the district, his office becomes vacant, but not if he moves from one precinct to another.

§ 40. All officers must take the oath required by law, and execute bond, before acting in any capacity concerning the district.

§ 41. Two members of the board of commissioners shall constitute for the transaction of any business whatever; if the president is not present, the one having the next shortest time to serve shall be president; if the secretary is not present, the one having the next longest time to serve shall be secretary, and they shall so sign their names. The regular meetings of the board shall be on the first Saturday of each month; but the president can call a meeting at any time, and if a member is absent at a called meeting, at the next regular meeting he may move to reconsider any action taken at the called meeting.

§ 42. The Jamestown district is hereby vested with the right to sue and to be sued; contract and be contracted with; to implead and be impleaded; to have a corporate seal, and to alter the same at their pleasure. They are vested with the right to investigate the accounts of all collecting and receiving officers of the former district, and to collect all sums due said former district from any person who may have received the same, and have not paid the amount found to be due to the proper person.

§ 43. All officers of the district hold their several offices until their successors has been elected and qualified.

§ 44. The assessor may have one or more assistants, but he shall be responsible for their acts.

§ 45. The sheriff or collector is authorized to list any property in said district omitted by the assessor, or assess property improperly assessed by the assessor, to the right person; he shall receive twenty-five cents for each list he thus makes; but he shall make no correction unless permitted to do so by the commissioners; they shall pay the sheriff for his lists out of the money retained out of the assessor's fees.

§ 46. If any officer of the district, assessor, treasurer or assessor, should fail or refuse to discharge the duties assigned them under this act, the commissioners shall give such officer ten days' notice in writing, specifying the charge, and time and place of the trial, making a minute of all their actions. At the time specified the case shall be heard by the commissioners; the officers may appear by himself or attorney; if they find the charge true, they may suspend or remove him from office: *Provided*, That within ten days such officer may have an appeal, and the hearing of the case shall be before the judge of the Campbell circuit court, and he may hear the case out of term time as a referee, and his decision shall be final.

§ 47. The sheriff shall, once in each month, when called upon by the treasurer of the district, turn over to him all the money collected by him at such time, and he shall annually, in the month of December of each year, make his settlement with the commissioners, which settlement, when approved, be spread upon the records of the district.

§ 48. The acting clerk of the board of commissioners shall execute all notices of said board, or cause the same to be done, and the president of the board is granted power to administer oaths.

§ 49. All officers of election for the district shall receive two dollars each per day for their services at election, payable out of the funds of the district.

CHAPTER 570.

AN ACT to amend an act, entitled "An act for the benefit of Caseyville and Lindle districts, of Union county, empowering and authorizing said districts to fund and compromise their bonded indebtedness," approved March twenty-seventh, one thousand eight hundred and eighty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter all the power and authority vested in the funding board of Caseyville and Lindle districts, of Union county, shall vest in and be exercised by the three members of said funding board selected from the Caseyville district, in all matters concerning the railroad bonded indebtedness of said district ; and said officers and their successors shall be styled the Funding Board of Caseyville District, and a majority of said board shall have the same authority in reference to said matters that a majority of the board as now constituted has under the provisions of said act.

§ 2. That hereafter all the power and authority vested in the said funding board of the two districts shall vest in, and be exercised by, the members of said funding board chosen from the Lindle district, in all matters pertaining to the said bonded indebtedness of said Lindle district ; said officers shall be styled the Funding Board of Lindle District, and a majority of said board shall have the same power now given to a majority of the board for the two districts in reference to the said indebtedness of Lindle district.

§ 3. Hereafter the affairs of said two districts, connected with their said bonded indebtedness, their books, and all matters pertaining thereto, shall be kept separate and distinct from each other ; but each district shall bear its proportionable part of all debts, dues, and expenses incurred up to this time by the old funding board and its predecessors, and to be borne by each in proportion to its bonded indebtedness.

§ 4. All acts in conflict herewith are hereby repealed ; and this act shall take effect from its passage.

Approved April 3, 1884.

CHAPTER 571.

AN ACT to amend the charter of the Knights of Honor Mutual Aid Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the charter of the Knights of Honor Mutual Aid Association be amended as follows: That all of said charter after section five be stricken out, and the following sections be inserted in lieu thereof:

§ 6. The board of directors shall have charge and supervision of the affairs of the association, and for this purpose they may enact by-laws not in conflict with the provisions of this charter, nor inconsistent with the laws of this Commonwealth.

§ 7. The board shall determine in their by-laws the qualifications for membership, furnish the necessary form of application, fix the schedule of prices to be assessed against its members, the dues to be paid, the age at which persons shall be eligible to become members, fees to be paid by different members, and times of meeting of said board, how meetings shall be called, and so forth, and such rules as are necessary for the management of the association.

§ 8. The applicant shall, at the time of the application, designate to whom the benefit shall be paid, and if it shall be for any other person than the applicant, the said benefit shall not be liable for any debt of the applicant.

§ 9. A member may surrender his certificate of membership and obtain a new certificate changing the beneficiary, provided such change is consented to by the association, and the beneficiary or beneficiaries named in the last certificate issued are hereby declared to be the parties entitled to receive said death benefit.

§ 10. Upon the death of any member of this association, a certificate of death shall be forwarded to the secretary, and if satisfactory to the president, he shall instruct the secretary to draw an order on the treasurer for the amount due beneficiary on the decease of said member.

§ 11. A sum not exceeding five thousand dollars shall be paid on the death of a member of the association, who is in good standing at the time of death.

§ 12. After the receipt of satisfactory evidence of the death of a member in good standing, the secretary shall, as early as practicable (by mail), notify each member to pay their advanced assessment, within thirty days from the date of said notice; and if said assessment is not paid within thirty days, the member shall stand suspended from all rights and benefits of this association.

§ 13. As early as practicable after the suspension of a member, the secretary shall (by mail) notify such member of the date of his suspension; and said suspended member may, within thirty days from the date of his suspension, be reinstated by forwarding the assessments for all deaths accrued previous to his suspension, and a reinstatement fee of twenty-five cents; and should he remain suspended for a longer time than thirty days, he may, within three months, be reinstated by furnishing a certificate of health from a respectable physician, and paying all assessments and dues accruing up to the time of his reinstatement.

§ 14. Each member changing his post-office address shall immediately notify the secretary of said change.

§ 15. Private property of members shall not be liable for the debts of this association.

§ 16. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 572.

AN ACT to inhibit the owners or bailees of horses, cattle, and other animals, from allowing, suffering, or permitting them to go at large in Grant county, and to make the owner or bailee of such animals liable for all trespasses and injuries committed by them.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for the owner or owners, or bailee or bailees, having the custody, control, or management of horses, cattle, sheep, or hogs, or other animals, to allow, suffer, or permit them, or any of them, to run at large or in any public highway in said county; but it shall be the duty of the owner or owners, bailee or bailees thereof, to

safely and securely take care of such animals, and keep them upon his, her, or their own premises, except when driving them from one place to another, and when driving them to market.

§ 2. That if the owner or owners, manager or managers, bailee or bailees of the stock and animals mentioned in the first section of this act, shall allow, suffer, or permit them, or any of them, to run at large in said county or upon any other than his own land, or upon any of the public highways of said county, or upon the lands of any other person or persons, whether the same is inclosed by a lawful fence or not, the owner or owners, manager or managers, bailee or bailees of such animals, shall be liable to the owner, lessee, or tenant having the management, possession, or control of such lands, or to any or either of them, for such damages as they, or either of them, may sustain by the trespasses of such animals as aforesaid, and also the person or persons suffering such damages shall have a lien upon such animals to secure the payment of the damages aforesaid, and the cost and expenses of impounding, feeding, and caring for said animals until the damages, costs, and expenses aforesaid are paid, as hereinafter provided, the damages to be recovered, and lien aforesaid to be enforced, in any court of competent jurisdiction in said county.

§ 3. That the owner, tenant, lessee, or person having the possession of any land or lands upon which the cattle, stock, or other animals mentioned in the first section of this act shall or may be found trespassing or doing damages, may lawfully seize and take possession of such animals; and he may lawfully impound and safely and securely hold them (in the meantime furnishing them with sufficient water and pasturage or feed) until the person or persons liable for the damages done by them shall pay the same, and a reasonable compensation for watering, pasturing, or feeding them: *Provided, however,* That it shall be the duty of the person or persons impounding or detaining such cattle and other animals as aforesaid to give to the

owner or owners thereof notice of their detention in a reasonable time after impounding the same: *And provided further*, That in case the owner or owners of such animals shall, after having received notice of their detention as aforesaid, fail or refuse to pay the damages done by said animals, and a reasonable compensation for impounding, feeding, and taking care of said stock, the person damaged thereby may, in any court having competent jurisdiction, recover of the person liable for such damages the damages done by said stock, and a reasonable compensation for impounding, feeding, and taking care thereof, and by appropriate proceedings in said court may enforce his lien upon said stock.

§ 4. That in case any person or persons shall take and impound any such cattle, or other stock found trespassing or doing damage as aforesaid, and shall fail, neglect, or refuse to furnish them, or any of them, with sufficient pasturage or feed or water, or shall in any manner injure or damage any of them, he, she, or they shall be liable to the owner or bailee thereof for any damages done to or suffered by said stock or other animals, to be recovered in any court having competent jurisdiction thereof.

§ 5. But this act shall not take effect or be in force until it shall first be submitted to the legally qualified voters of Grant county as hereinafter provided.

§ 6. That it shall be the duty of the sheriff of Grant county to cause a poll to be opened in every voting precinct in Grant county, on the first Saturday in May, one thousand eight hundred and eighty-four, for the purpose of taking the sense of the qualified voters of said county as to whether or not they are in favor of the adoption of this act. Said election shall be held in the same manner, by the same officers, and under the same penalties, and the returns shall be made and vote compared as in county elections.

§ 7. It shall be the duty of the sheriff aforesaid to give at least two weeks' notice of the time and purpose of holding said election, by printed handbills posted in at least five of the most public places in each voting precinct in said

county, and by causing said notice and this act to be published twice in the Williamstown Courier for at least two weeks before the time of holding said election.

§ 8. If a majority of the votes cast at said election shall be in favor of the adoption of this act, then the comparing board shall duly certify said fact to the judge of the Grant county court, who shall, at the first regular term of the Grant county court held thereafter, cause said certificate to be duly recorded in the order-book of said court; and this act shall be in full force and effect from the date of its adoption.

§ 9. Should this act fail to receive a majority of votes in its favor, then in case there shall be a majority of votes in any voting precinct in said county in favor of this act, then it shall be in force and effect in such precinct, and such fact shall be certified by the comparing board, and recorded as provided in section eight.

Approved April 3, 1884.

CHAPTER 573.

AN ACT to amend an act, entitled "An act to incorporate the Masonic Mutual Benefit Association, of Maysville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section first of an act to incorporate the Masonic Mutual Benefit Association, of Maysville, Kentucky, approved February seventeenth, one thousand eight hundred and seventy-four, be, and the same is hereby, amended as follows: by striking out the words, "but none but Free and Accepted Masons of good standing and good health, who have been made Masons before arriving at the age of fifty years, shall be admitted to membership," and inserting in lieu thereof the following: "Either Masons or other than Masons, by a majority vote of the local board of directory, upon the applicant giving satisfactory medical certificate of good health, and who is not over fifty years of age." And it is further amended by striking out the words following, to-wit: "Any member who may be expelled from a Ma-

sonic lodge for unmasonic conduct shall be expelled from this association by the local board of directory," and inserting the words, "any member who may be expelled from a Masonic lodge for unmasonic conduct shall, in the discretion of the local board of directors, be expelled from this association." And it is further amended by adding to the words following, to-wit: "The officers shall consist of a president, vice-president, secretary, treasurer, and not less than seventeen directors," the words, "all of whom shall be members in good and regular standing of a Masonic lodge." The provisions of this amendment shall not take effect nor be in force until they are accepted and approved by the association at its annual meeting.

§ 2. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 574.

AN ACT to incorporate the Dayton and Ohio River Turnpike Company, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jesse Arthur, Gus. Artsman, H. J. Goetze, Henry Reckers, and C. B. Schoolfield, their associates, successors, and assigns, be, and are hereby, created a body-corporate and politic, by the name and style of the Dayton and Ohio River Turnpike Company, with perpetual succession, for the purpose, and with full power to construct a turnpike road of not more than one hundred feet in width, from a point at the east line of the city of Dayton, in Campbell county, as they may select, along the Ohio river to a point intersecting the Four Mile Turnpike west of the mouth of Four Mile creek, as may be most convenient; and under said corporate name to contract and be contracted with, sue and be sued, and to acquire property by purchase or otherwise, and to assign, transfer, or sell and convey the same.

§ 2. The capital stock of said company shall be forty thousand dollars, divided into shares of twenty-five dollars each, and as soon as five thousand dollars of said capital

stock is subscribed, said company may organize by electing five directors, each share of stock to be counted as one vote in said election; said election to take place annually thereafter. Said directors shall be chosen from stockholders, and from amongst themselves shall elect a president, treasurer, and secretary for said company. Said board of directors shall have exclusive power and control of all the affairs and business of said company, and shall, by resolution at a regular meeting, define and fix the powers and duties of the officers of said corporation.

§ 3. That said company may acquire and hold the legal title to real estate in Campbell county, not exceeding at any time more than twenty-five acres of land, by purchase or otherwise, as provided in section five of this act; and may also acquire, by purchase or otherwise, as provided in said section five, the rights of way for said road along said river, between said points, any width which the board of directors may fix, not exceeding one hundred feet, and to use the same for the construction and operation of said turnpike.

§ 4. That said company shall succeed, and are hereby vested with, all the rights, franchises, claims, and property of the corporation known as the Dayton and Four Mile Turnpike Road Company; and to pay for same such price as may be agreed on by and between the board of directors of said corporation hereby created, and person or persons owning a majority of the stock of said Dayton and Four Mile Turnpike Road Company; and in case no agreement can be made, the value of said rights, claims, franchises, property, and so forth, shall be determined and paid for as provided in section five. The board of directors shall take immediate possession of the road-way and said other property of said Dayton and Four Mile Turnpike Company as soon as they are elected and organized.

§ 5. That the procuring rights of way or property and material for the use and construction of said road, chapter one hundred and ten of the General Statutes of Kentucky shall govern and be the law, in so far as the same relates to said subjects.

§ 6. There shall be one toll-gate at the eastern and one at the western extremity of said road, and the toll to be

charged shall be the same as now fixed by chapter one hundred and ten of the General Statutes of Kentucky, except that rates charged shall be for three miles instead of five miles, as provided in said chapter; and said gates may be created and toll collected as soon as one mile of said road is completed.

§ 7. The board of directors of said company, at any time they deem it advisable, may borrow money for the use of said company, not to exceed the sum of twelve thousand dollars, and at a rate of interest not greater than eight per cent. per annum, and for no longer time than fifteen years; said indebtedness to be evidenced by bonds of the company, signed by the president and countersigned by the secretary, and of denominations to be fixed by the board of directors; and to secure the payment of said bonds and interest said board may, by deed of trust or mortgage, pledge all property, rights, franchises, claims, incomes of said company, of whatever kind or description, for the payment of interest and principal when due.

§ 8. The stock certificates shall be signed by the president and countersigned by the secretary.

§ 9. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 575.

AN ACT to incorporate the Hawkins and Cummins Turnpike Road Company, in Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed, for the purpose of constructing a turnpike road on the macadam plan, from a point in the Gano Hill Turnpike Road, near the Hill school-house, and running thence with the Jewett and Chinn mill road, the most practicable and direct course, with or near said road, to a point on the Georgetown and Paris Turnpike, near David Hume's gate, and within the county of Bourbon, said company to be known as the "Hawkins and Cummins Turnpike Road Company;" and

by that name shall be a body-politic and corporate, with power to sue and be sued, contract and be contracted with, plead and be impleaded.

§ 2. The capital stock of said company shall be ten thousand dollars, divided into shares of fifty dollars each; and subscriptions for stock in said company may be made at such time, manner, and place as the commissioners hereinafter named shall direct or determine.

§ 3. That Joseph H. Hawkins and R. L. Cummins are hereby appointed commissioners to perform the duties of this act, and authorized to solicit and take subscriptions to the capital stock of said company.

§ 4. When twenty-five shares of stock in said company are subscribed, said commissioners shall notify the subscribers to said stock, by notices posted at two or more public places in the villages of Centreville and Jacksonville, in Bourbon county, for two weeks in succession, and preceding the date named therein, that a meeting of the stockholders of said company will be held at such time and place as said commissioners shall designate in said notice, for the purpose of choosing officers; and in the election of said officers each stockholder shall be entitled to one vote for each share of stock he may hold, and may vote the same in person or by proxy in writing.

§ 5. The width of said road shall not exceed sixty feet, and the part covered with metal shall not be less than sixteen feet.

§ 6. The officers of said company shall consist of a president and four directors, secretary and treasurer; and they shall keep a true record of their proceedings in a well-bound book, which shall at all times be accessible to each and every share-holder of said company for inspection.

§ 7. So soon as said company shall be organized, the president and directors shall possess and be invested with all the powers, authorities, rights, and privileges of turnpike road companies under the laws of this Commonwealth; and may do all the acts necessary for letting, contracting, and completing said turnpike road, and shall be subject to all the duties and qualifications, restrictions, fines, and for-

feitures as are given to and required of the Paris, Winchester, and Kentucky River Turnpike Road Company ; and for that purpose sections eight, nine, ten, eleven, thirteen, sixteen, seventeen, nineteen, twenty, twenty-one, and twenty-two of the act incorporating the Paris, Winchester, and Kentucky River Turnpike Road Company, approved February twenty-fifth, one thousand eight hundred and forty-eight, so far as not inconsistent with the provisions of this act, are hereby enacted and made a part of this act.

§ 8. Said company shall have the right and authority to erect a toll-gate on said road, and to charge such tolls for the distance traveled as provided by the general laws of this State.

§ 9 This act shall take effect and be in force from and after its passage.

Approved April 4, 1884.

CHAPTER 577.

AN ACT to legalize the orders of the Marshall county circuit court, made at the December term, one thousand eight hundred and eighty.

WHEREAS, The judge of the circuit court of Marshall county, Kentucky, did not sign the orders spread upon the order-book for the December term, one thousand eight hundred and eighty, intending, as was his custom, to sign said orders on the first day of the next term of said court; and whereas, said Judge (Hon. Edward Crossland) sickened and died without ever having an opportunity to return to said court, thereby leaving the said orders of no effect, whereby matters of great importance to the people of the said county have not been arranged; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the orders spread upon the order book of the Marshall county circuit court at its December term, in one thousand eight hundred and eighty, are hereby declared legal, and of same effect as if said judge had signed them.

§ 2. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 578.

AN ACT to amend the charter of the Germantown and North Fork Turnpike Road Company, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act of this General Assembly incorporating the Germantown and North Fork Turnpike Road Company, approved March eleventh, one thousand eight hundred and sixty-nine, be, and the same is hereby, amended as follows: It is hereby made the duty of the stockholders of said company to hold a meeting within twenty days after the approval of this act, and reorganize said company, under and pursuant to the provisions of the original act of incorporation, by the election of a board of directors and other officers as required by that act; and upon their failure to do so, it is hereby made the duty of the judge of the county court, upon the petition of any number of persons, not less than five, interested in the completion of said road, to appoint a board of directors to manage the affairs of said company, which board shall have the qualifications required by the provisions of the original act, hold their office for the term therein described, and to discharge all the duties prescribed by that act.

§ 2. It shall be the duty of the board of directors elected or appointed as herein provided for, with as little delay as possible, to put so much of said road as was heretofore completed in good repair, and to take steps to complete the entire road to the North Fork, where the bridge crosses the same at Lowell, and along or near the line of the dirt road leading from Germantown to the bridge at Lowell; and that they may be able to discharge this duty promptly and efficiently, they are authorized to receive additional subscriptions in money or work to the capital stock of said company, and to enforce payment of same, and to collect, subscriptions heretofore made according to the provisions of the original charter, approved March eleventh, one thousand eight hundred and sixty-nine.

§ 3. The county judge of Mason county, upon the petition of the board of directors of this company, and upon

such terms as may be just and equitable, shall enter up an order requiring all persons living along the line of this road, and within one mile, and on both sides of it, to pay or work out their road-tax from year to year on said road, either in building the same or in keeping it in repair, as circumstances may require.

§ 4. Should a majority of the said owners on each side of the road, and within one mile of it, petition the county court to do so, it is hereby made the duty of the county court of Mason county, by an order entered of record, to levy and collect an annual tax on all the property on each side of said road, and within one mile of it, as the same is assessed for taxation for State purposes, not exceeding one dollar on the hundred dollars of the value thereof in any one year; the same to be collected from year to year until the road is completed and paid for.

§ 5. The subscription of fifteen hundred dollars per mile, heretofore made by the county court of Mason county to the capital stock of said company, is hereby ratified and confirmed.

§ 6. Should the county court of Mason county levy the tax herein provided for, it is made the duty of the judge of said court to see that the same is collected by the sheriff as other taxes are collected, and that the money thus collected is appropriated by the officers of said company to the speedy completion of said road, and in keeping the same in repair when completed.

§ 7. This act shall take effect and be in force from the date of its passage.

Approved April 4, 1884.

CHAPTER 579.

AN ACT for the benefit of the town of Russellville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the mayor and board of council of the town of Russellville be, and they are hereby, authorized and empowered to sell, and by deed convey, the lot of ground now

belonging to said town, situate in said town, fronting one hundred and twenty-seven feet on Main cross street, running back one hundred and fifty-seven feet, and adjoining the property of Dr. M. R. Perry. Said conveyance shall be by deed executed on behalf of the board of council by the mayor of said town, and attested by the clerk of said board.

§ 2. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 581.

AN ACT to provide for the working of certain turnpike roads in Shelby county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judge of Shelby county be, and he is hereby, empowered to, and he may, in his discretion, cause to be laid off into road districts of suitable size, the territory contiguous to any of the turnpike roads in said county, which turnpike roads have no toll-gates thereon, and to which roads said county may heretofore have given, or may hereafter give, aid in the building thereof; and said judge may appoint a surveyor for each of said turnpike roads, who shall have the same powers, and whose duties and liabilities shall be the same in causing and requiring said turnpike roads to be worked and kept in repair as surveyors of county roads now have and are subject to by law. Such persons as reside in the districts so laid off, and as are of the ages of those who are now required by law to work on county roads, shall be liable to work on such turnpike roads upon reasonable notice from the surveyor so appointed, and shall be subject to the same penalties for failure so to do as is provided by law for failing to work on county roads: *Provided*, That no work done on such turnpike roads shall be a charge against Shelby county.

§ 2. This act shall be in force from its passage.

Approved April 4, 1884.

LAWS OF KENTUCKY.

CHAPTER 582.

AN ACT to amend an act, entitled "An act to revise and amend the charter of the city of Newport," approved February seventeenth, one thousand eight hundred and seventy-four.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section thirty-two (32) of an act, entitled "An act to revise and amend the charter of the city of Newport," approved February seventeenth, one thousand eight hundred and seventy-four, be, and the same is hereby, amended by striking out from the same the following words: "shall in like manner, every fifth year thereafter, assess all real and personal property in the city as herein provided; and he shall, in like manner, and subject to the provisions of this charter, each of the four years intervening, assess and list for taxation all real estate that may be added to the city, and all improvements that may be made upon real estate in said city during any of said four years, and all personal property within said city as herein prescribed; and he shall likewise enter and return the depreciation in value of improvements by reason of damage by fire or other cause, and."

§ 2. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 583.

AN ACT to incorporate the Drennon Springs Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. L. Jett, James A. Scott, and P. U. Major, their associates, successors, and assigns, be, and they are hereby, created a body-politic and corporate, with power of perpetual succession, under the name and style of the "Drennon Springs Company," of Henry county, Kentucky; and shall have power and authority under that name to contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and

places as natural persons, and may have and use a common seal, and may alter and change the same at pleasure.

§ 2. That the property, business, and affairs of said Drennon Springs Company shall be under the management, government, and control of a board of three directors, one of whom shall be elected president of the board; and the said W. L. Jett, James A. Scott, and P. U. Major are hereby constituted a board of directors for said Drennon Springs Company. Should any of the persons above named fail or refuse to qualify and serve as director, his or their places may be declared and treated as vacant, and the vacancy or vacancies filled by the remainder, each stockholder to have one vote for each share of stock he or she may own, and may cast same in person or by proxy. The board may regulate the manner of casting the vote, and a majority of the board of directors shall be residents of the State of Kentucky.

§ 3. Said Drennon Springs Company or corporation may begin business when two thousand five hundred dollars have been subscribed, and twelve hundred and fifty dollars paid in, and the capital stock of said Drennon Springs Company may be increased from time to time, at the option of the board, to any amount not exceeding one hundred thousand dollars. Said stock shall be divided into shares of fifty dollars each, and said board of directors, or any two of them, may open books and receive subscriptions to the capital stock, and when the sum of twelve hundred and fifty dollars has been paid in, and an affidavit has been made to that effect by the president of the board before the clerk of the Henry county court, the said company shall be considered organized, and shall have the right to transact a general hotel, watering-place, manufacturing, and shipping business.

§ 4. Said Drennon Springs Company shall have full power and authority to acquire and hold, by purchase, lease, gift, or otherwise, any real or personal property necessary to the successful prosecution of a general hotel, watering place, manufacturing, and shipping business, including the right and power to erect or purchase all neces-

sary buildings or machinery ; to have tavern or coffee-house license upon application to the county judge of Henry county, said license to be applied for in same manner as is now provided for in chapter one hundred and six of the General Statutes of Kentucky, and granted in the discretion of the court : *Provided*, That no license shall be granted until the State tax has been paid to the proper officer ; and said company is hereby authorized and empowered to build bath-houses, warehouses, and do all other things necessary for the prosperity of the company and comfort of their guests, not in conflict with the Constitution or laws of this State.

§ 5. Said corporation is empowered to borrow money for the purpose named in this act, and to pledge its property and franchises to secure the payment of the same, and to issue bonds in any amount not exceeding one hundred thousand dollars as its stockholders may determine, and secure the same by a mortgage or mortgages upon all of its property and franchises of every kind ; and said bonds may bear any rate of interest not exceeding six per cent. per annum. Said bonds may run any time, and be made payable at any place the board of directors of said corporation may deem proper, and may be sold and disposed of as said board may direct.

§ 6. The board of directors may appoint such clerks, cashiers, treasurers, and assistants as to them may seem necessary, and may require them to give bond.

§ 7. Any two members of the board shall constitute a quorum for the transaction of business, and they may declare one of their members president *pro tem*.

§ 8. Said company shall have power to acquire by purchase the right of way for a pipe-line for the purpose of conveying fresh water to and for the use of any hotel that may be erected at or near Drennon Springs by said company, from any spring within the immediate neighborhood of said springs, or for the purpose of conveying mineral water to any point upon the Kentucky river, where they may acquire by purchase not exceeding one acre of land, to be used as a public landing, upon which said company

may erect warehouses and other necessary buildings for the use of the public.

§ 9. The private property of the stockholders shall not be liable for any part of the indebtedness of said Drennon Springs Company.

§ 10. The time of the election of officers as successors of the present board may be determined by the board of directors at the end of twelve months after organization.

§ 11. All laws and parts of laws in conflict with this act are hereby repealed.

§ 12. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 584.

AN ACT to amend an act, entitled "An act to incorporate the Vanceburg, Quincy, and Springville Turnpike Road Company," and so forth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three of said act to which this is an amendment be, and the same is hereby, so changed and modified that the said turnpike road shall commence at the centre of the bridge over Slate branch (being the corporate boundary of the town of Vanceburg), and continue thence with, and including their said turnpike road, to the point where the same is now built, being about one mile; and thence with the present county road, so far as practicable, up the Ohio river bottom to Kinniconick creek, at or near the railroad bridge over said creek. The said Turnpike Road Company shall have all the right, title, and interest the county or public have to and over said county road-bed, for the purpose of making and maintaining their said turnpike road, and that when said turnpike road is finished a distance of one mile (instead of two and one half miles, as provided in the charter), the company may erect a toll-gate and charge toll as provided in chapter one hundred and ten of the General Statutes, entitled "Turnpike, Gravel, and Plank Roads," the provisions of which chapter shall apply to said company's road so far as same are applicable. The said com-

pany shall have the discretionary power and right to rock and gravel their said road as to them may seem right and proper, and shall not be required to rock or gravel the same twelve inches deep, as provided in section seven of their said charter (as several miles of their said road-bed passes over a sandy and gravelly soil), but when graded as required by the charter, the company shall be required to keep the same in good order for public travel.

§ 2. That section eleven of said road charter is hereby so changed and modified that the boundary of said road district shall commence at the mouth of Slate branch, being the upper boundary on the Ohio river of the town of Vanceburg, and run thence up said Slate branch, and with said town boundary, for a distance of two miles, to the point where Alfred Harrison (surveyor), in making the former survey of said road district, located the two mile-line, and thence with the parallel line so run by him, two miles from the Ohio river, until the same reaches Kinniconick creek, and thence down said creek to its mouth, where it empties into the Ohio river, and thence with said river to the place of beginning. And all persons and property within said boundary shall be subject to taxation for the making and construction of said turnpike road, as provided in the eleventh section of said road charter, and so continue until said turnpike road is completed; but the persons and property above said Kinniconick creek, and within the original boundary of said road district above said creek, and subject to assessment and payment of taxes under the original charter, are hereby exempted from same from and after the year one thousand eight hundred and eighty-three, and shall not pay taxes accruing thereafter to build said turnpike road below Kinniconick creek.

§ 3. That sections fifteen and seventeen of said charter are hereby so changed and modified that the Lewis county court is hereby authorized, empowered, and required to assist the aforesaid company in building their said turnpike road, and to that end shall subscribe the sum of one thousand dollars per mile, and issue the bonds of Lewis county, at the request of the president of said road company, upon

proof that the portion of the road for which the bonds so asked has been put under contract to some responsible contractor, or that the company itself, through its president and directors, are ready and prepared to commence the construction of same under its own supervision and management, and that the same has been actually laid out and located by a competent engineer or surveyor, and the right of way secured, and having a sufficient sum secured by subscription in stock and taxes, with the amount to be subscribed by the Lewis county court, to build the part or portion for which the bonds are asked. The said bonds shall bear interest at a rate not exceeding six per cent. per annum, and be due in not less than five nor more than twenty years from their date, at the discretion of said court.

§ 4. That hereafter the assessor and sheriff, in making assessments and collections of the taxes for said turnpike road, under the provisions of its charter, may, in addition thereto, be governed by the provisions of chapter ninety-two of the General Statutes, entitled "Revenue and Taxation," and the various amendments thereto, so far as the same are applicable to their duties respectively in making the assessment and collection of said taxes each year; and said road company shall have the same right and power, through its officers, to enforce the assessment and collection of their said taxes for the building and construction of their said road, as the State and counties have under said General Statutes.

§ 5. That said company shall hereafter be known and designated "The Vanceburg and Quincy Turnpike Road Company," and all proceedings under said road charter and amendments shall be made to conform thereto.

§ 6. That all acts and parts of acts in conflict with this act are hereby repealed.

§ 7. This act shall take effect and be in force from and after its passage.

Approved April 4, 1884.

CHAPTER 585.

AN ACT sanctioning the consolidation of the National Turnpike Company and the Jefferson and Bullitt Turnpike Company, under the name of the New National Turnpike Company, and define its rights and powers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the consolidation of the National Turnpike Company and the Jefferson and Bullitt Turnpike Company, heretofore made by the stockholders of the said two companies, is hereby declared legal and valid, under the name of the New National Turnpike Company; and by that name it may sue and be sued, contract and be contracted with; have, use, adopt, or alter a common seal; and is hereby invested with all the powers, rights, and privileges, property, and franchises heretofore granted or belonging to either of said companies: *Provided*, That within two years, from and after the time the said New National Turnpike Company shall secure and acquire the right of way for its said roads over and through the lands of W. H. Dulaney, John T. Moore, Chas. Bremaker, and D. E. Stark, to obtain which right of way actions at law are now pending, it shall build and put into operation not less than three miles of continuous turnpike road, beginning at the city limits of the city of Louisville; in default whereof, all franchise granted to this company, and to the said National Turnpike Company and the said Jefferson and Bullitt Turnpike Company, shall, at once, upon the expiration of the said two years, cease and terminate.

§ 2. Said company is also authorized to construct and operate a turnpike road from a point near the Bullitt county line to Brooks, in Bullitt county.

§ 3. That this act shall in nowise affect any litigation now pending between said National Turnpike Company, or the Jefferson and Bullitt Turnpike Company, or the New National Turnpike Company, with any other persons in reference to the extension or condemnation of the right of way for the construction of the said turnpike road: *Provided further*, That this act shall not be so construed as to give to said

New National Turnpike Company any right or power in regard to the condemnation or the acquiring the right of way not granted by the acts to which this is an amendment.

§ 4. This act shall be in force from its passage.

Approved April 4, 1834.

CHAPTER 586.

AN ACT to incorporate the Carlisle Hotel Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Walter Cleary, A. D. Bullock, J. P. Orr, T. F. Hallam, J. C. Benton, and their associates, successors, and assigns, be, and they are hereby, created a body-politic and corporate, under the name of the Carlisle Hotel Company, with perpetual succession; and by that name they may contract and be contracted with, sue and be sued; use a common seal, which may be altered at any time by the board of directors, and have all the rights which a natural person might have in the matter of purchasing, leasing, operating, mortgaging, and selling hotels and hotel property in the State of Kentucky.

§ 2. The persons named in the first section of this act, or any three of them, shall act as commissioners to receive subscriptions to the capital stock of the company, and to prescribe the time, terms, and conditions of payment of the same; to superintend the first election of directors, and to fix the time therefor, due notice of which shall be given to the stockholders; and generally to do any and all things which a board of directors might do, until the election and organization of the first board of directors.

§ 3. On the first Saturday of January, in the year of our Lord one thousand eight hundred and eighty-five, there shall be elected five directors, all of whom must be stockholders, and they shall hold office for one year, or until their successors are elected. The annual election of directors shall be on the first Saturday of January of each succeeding year, unless a different time shall be fixed by the incorporators or board of directors; and those in office shall

hold over, if for any reason an election should fail, until an election shall take place.

§ 4. The directors shall elect one of their body president, who shall possess the usual powers, and perform the usual duties of presidents of corporations, and such other powers and duties as the board of directors may prescribe.

§ 5. The board of directors, or the commissioners named herein, their associates, successors, or assigns, shall constitute a board for the transaction of business of the company; they may ordain such by-laws for the government of the company and its employes as they may deem advisable, not inconsistent with the Constitution of the United States or the Constitution of this Commonwealth; and may appoint such officers and agents as they may consider necessary or convenient, and may require of them bonds for the faithful performance of their duties, prescribe their duties, and fix their compensation. They shall have power to forfeit the stock of delinquent subscribers, and in such case the payment or payments thereon shall inure to the benefit of the corporation.

§ 6. The said corporation shall have power to build, purchase, lease, manage, mortgage, and sell hotels and hotel property and supplies in the State of Kentucky; and generally to purchase, hold, sell, or otherwise dispose of such real or personal property as the board of directors may at any time deem to the interest of the corporation; having the same rights and powers as to the acquisition, tenure, and disposition of such real and personal property as natural persons now have.

§ 7. The capital stock of said company shall be ten thousand shares, with the right to increase the same by the stockholders; and said shares shall be one hundred dollars each, which shall be personal property, evidenced by the certificate of the company, under its seal, and transferred as the by-laws of the company may prescribe.

§ 8. The said corporation may borrow money, and execute notes or bonds therefor, and secure the same by a pledge or mortgage of its property, rights, and franchises.

§ 9. The said corporation may build, lease, purchase, sell, hold, and manage theatres and similar places of amusement, subject to the laws of this Commonwealth regulating the same.

§ 10. The private property of stockholders shall be exempt from the corporate debts.

§ 11. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 587.

AN ACT to amend an act, entitled "An act to incorporate the Central Railway and Bridge Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act to incorporate the Central Railway and Bridge Company, approved March eighth, one thousand eight hundred and eighty-four, be amended as follows: Authority is hereby given to said Central Railway and Bridge Company to consolidate with other companies, incorporated under the laws of this State or other States, for the purpose of constructing, operating, and managing bridges or railways.

§ 2. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 589.

AN ACT to amend an act, entitled "An act to authorize the Owen county court to levy a tax and issue bonds for turnpike purposes in Owen county," approved February twenty-seventh, one thousand eight hundred and eighty two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to authorize the Owen county court to levy a tax and issue bonds for turnpike purposes, in Owen county," approved February twenty-seventh, one thousand eight hundred and eighty-two, be amended by striking out the word "annually" in the third section thereof, and inserting in its stead the word "semi-annually,"

and by adding to the second section of said act these words: "after a period to be fixed by the judge thereof, and inserted in the bonds as they are issued."

§ 2. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 590.

AN ACT to amend an act, entitled "An act to incorporate the Monticello and Burnside Turnpike Company," approved February twenty-seventh, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Monticello and Burnside Turnpike Company," approved February twenty-seventh, one thousand eight hundred and eighty-two, be amended as provided in the following sections:

§ 2. That the capital stock of said company may be any amount of stock the board of directors thereof may, in their discretion, cause to be issued, not exceeding seventy-five thousand dollars.

§ 3. The board of directors of said company shall consist of seven stockholders thereof, chosen as provided in the original act of incorporation.

§ 4. When as much as twenty consecutive miles of the road of said company shall have been built and opened to public travel, said company may erect and maintain thereon five gates, the first and second of which shall remain as at present located, the third and fourth to be located and established at succeeding intervals of as near five miles as practicable, and the fifth at some reasonable point between site of the post-office at Bronston and the railway station at Point Burnside, and may charge and collect the full rates of toll allowed by the general laws of the State of Kentucky, and each and every gate without regard to the distance traveled.

§ 5. That said company be authorized and empowered to erect, maintain, and operate, in connection with its road, a bridge over the South Fork of Cumberland river, at or near

Point Burnside, and within one mile of the mouth of said South Fork, and fix, charge, and collect reasonable rates of toll for the passage or transportation over said bridge of persons, animals, vehicles, et cetera, not exceeding the usual and reasonable rates of ferriage over said stream in said vicinity.

§ 6. That to aid in raising funds to erect, maintain, repair, or rebuild said bridge or its approaches, the board of directors may cause the bonds of the company to be issued, signed by the president and agent, to an aggregate amount of not exceeding ten thousand dollars, to run for any time or times not exceeding ten years, at a rate of interest not exceeding six per centum per annum, and may, in their discretion, secure the payment of said bonds and interest thereon by mortgage upon said bridge, and the tolls and franchises appurtenant thereto.

§ 7. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 591.

AN ACT to designate the number of hours which shall constitute a day's work upon Saturdays in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall hereafter be unlawful, in the city of Louisville, for any employer or employers who hire persons to perform and do labor of any character whatever, except domestic servants, salesmen, saleswomen, clerks, employes of railroad corporations, express companies, steam-boats, watercrafts of any character whatever, transfer companies, hotels, boarding-houses, restaurants, telegraph and telephone companies, gas companies, job printing offices, newspapers and printing, binding or lithograph offices, and the business thereof, of any character whatever, to require such persons to do or perform labor or render services to or for such employer or employers on Saturdays more than nine hours; and for said nine hours a full day's wages shall be paid: *Provided, however,* That any and all persons who may be

hired as aforesaid shall have the right to contract for extra pay for their services rendered or labor performed in excess of said nine hours on Saturdays.

§ 2. The provisions of the foregoing section shall not apply to laborers, artisans, or any servants, agents, or employes who are or may be employed by municipal corporations or the Commonwealth of Kentucky.

§ 3. Any person or persons or corporation who violate the provisions of this act shall be guilty of a misdemeanor, and shall be proceeded against by a warrant in the name of the Commonwealth before a justice of the peace, police judge, or judge of a city court, and upon a trial and conviction thereof, shall be fined for each separate offense, in the sum of ten dollars and the costs of prosecution, which said fine shall be collected and enforced as fines are now collected and enforced in the circuit courts, under the penal statutes of the Commonwealth; and when so collected and enforced, shall be for the benefit of the public schools in the city of Louisville, and paid to the trustees of the public schools in the city of Louisville.

§ 4. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 592.

AN ACT to incorporate the Smith's Grove Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That David Kirby, John S. Claypool, U. Rasdall, T. E. McDaniel, N. P. Allen, W. M. Kirby, and W. P. Beard, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the Smith's Grove Turnpike Company; and by said name and style shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts and places in this Commonwealth; and may have and use a common seal, and may alter or change the same at pleasure.

§ 2. The said company is hereby authorized and empowered to construct a turnpike, macadamized, or gravel road, in its discretion, from a point on the Bowling Green and Glasgow road, at or near J. R. Kirby's, to the Louisville and Nashville Turnpike, in the neighborhood of Henry Smith's, and through the town of Smith's Grove; said road to be located on a practicable route between said points; and in order to raise the funds necessary to construct said road, said company shall have power to raise a sum, by the issue and sale of the capital stock, not to exceed twenty thousand dollars, to be divided into shares of one hundred dollars each.

§ 3. That books for the subscription of stock shall be opened in the town of Smith's Grove, and such other places as may be deemed best, under the direction of the persons heretofore named, all of whom are hereby made commissioners for the purpose of obtaining the capital stock of said company; they shall insert an obligation in the subscription list substantially as follows: We, whose names are hereunto subscribed, severally promise to pay to the Smith's Grove Turnpike Company the sum of one hundred dollars for each share of stock in said company set opposite our names, in such manner and proportion, and at such times as shall be required by said company. Witness our hands this — day of —, 188—. When the sum of three thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of said Commissioners named in this act to give notice, in such manner as they may think proper, of a meeting of the stockholders of said company, at such time and place as may be specified in said notice, for the purpose of electing a president and five directors; one vote shall be allowed for each share of stock, and the president and directors shall continue in office for one year, and until their successors are elected and qualified. The time and place of all elections after the first election shall be fixed by the president and directors, and a majority of the board shall be competent to transact business.

§ 4. So soon as said company is organized by the election of a president and directors as above provided, they shall

be a body-politic and corporate, by the name and style of the Smith's Grove Turnpike Company; and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and taking and holding, by purchase or gift, all such lands, tenements and hereditaments, real or personal property, as may be necessary for the prosecution of its work or the objects of this corporation.

§ 5. That the president of said company may call meetings of the board of directors whenever he may think proper, and on application of any two directors to him he shall call such meeting; the board of directors shall have power to elect a secretary and treasurer, and such other officers as they may think necessary, and to fill such vacancies as may occur in said board during their term of office. Said board shall require of the treasurer, before he assumes the duties of his office, a bond for the faithful and honest discharge of his duties, and to faithfully account for all moneys that may come to his hands as such treasurer, which bond and security shall be approved by the board. Said board shall keep a record of its proceedings, which shall be signed by the president; and in the absence of the president, the board may elect a president *pro tem*. Said board shall have power to make all necessary by-laws and regulations for the government of said company, and may sue for and recover, in the name of said company, from delinquent stockholders or subscribers for stock, the amount due and unpaid upon any share or shares of stock in said company.

§ 6. The president and directors shall fix and regulate the elevation and grade of said road, the width and part thereof to be covered with stone or gravel; and may fix the rates of toll, and may change and alter the same at pleasure; but said rates shall not exceed the rates prescribed by chapter one hundred and ten of the General Statutes; and when two and one half consecutive miles of said road shall have been completed, and examined and approved by any two justices of the peace of Warren county, who shall examine the same on application of the president of said road, a toll-gate may be erected and toll collected under such rules and

regulations as shall be prescribed by the president and directors, and under the general law of the State: *Provided, however,* That the president and directors may, if they so desire, erect two gates on said road, one on each side, and without the corporate limits of Smith's Grove. But until said road is completed for five miles, leading each way from Smith's Grove, the toll collected at each gate shall be in proportion as the length of each division of said road from Smith's Grove bears to five miles. And if only one gate is erected, the toll collected shall be in proportion as the length of the road finished bears to five miles.

§ 7. The president and directors of said road may, and they are hereby empowered to, extend said road either across the said Bowling Green and Glasgow road, in the direction of Three Forks, or down said road toward Bowling Green, or up it toward Glasgow, as they may deem best, so as to make said turnpike road five miles in that direction from the town of Smith's Grove.

§ 8. The president and directors of said company, and their employes, are hereby authorized to take the consent in writing, of all persons who may consent to grant the right of way for said turnpike road, and the use of materials for building and repairing said road; and when either the right of way, or any of the materials necessary for the construction of said road, cannot be acquired by consent or purchase, said president and directors may apply to the county court of Warren county for a writ of *ad quod damnum* to assess the damages which may be sustained by the owner of said land; and the jury, in assessing the damages, after giving the claimant the actual value of the land taken, shall take into consideration the advantages resulting to the party or parties claiming damages, and set the same off against any damages resulting to the residue of the tract by the construction of said road; and upon the payment of the damages assessed, or the tender thereof, it shall be lawful for said company and its employes to make said road, and to dig and carry away any stone or other material necessary for the construction or repair of said road; and said company may acquire, by purchase, or by writ of *ad quod*

damnum, as above set forth, land, not exceeding three acres, for the purpose of erecting a toll-house or houses on said road; and said company may procure from the Warren county court the right of way over any road over which said county has control; and may contract with the town of Smith's Grove for the right of way over any streets over which it has control.

§ 9. The president and directors of said company may make and declare equitable dividends of the surplus earnings of said company among the stockholders, according to their respective shares, after paying the expenses of said company.

§ 10. Certificates of stock in said company shall be signed by the president and countersigned by the secretary; shall be deemed personal estate, and shall be transferable on the books of the company in such manner as the president and directors shall prescribe.

§ 11. The capital stock of said company shall be used in the procurement of the right of way, materials, and so forth, and in constructing said road, and in defraying all legitimate expenses incident to the construction of said road, and for no other purpose whatsoever; and the stockholders in said company shall only be bound to the extent of their stock in said road.

§ 12. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 593.

AN ACT for the benefit of Lou. Cox, of Anderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Lou. Cox, wife of B. L. Cox, be, and she is hereby, empowered to use, enjoy, sell, and convey, for her own use and benefit, any property she may own or acquire, free from the claims or debts of her husband; and to make contracts, sue and be sued, as a single woman; and to trade in her own name; and to dispose of her property by deed

or will; but in all cases her property shall be liable for her debts, contracts, and liabilities.

§ 2. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 595.

AN ACT to incorporate the Bloomfield and Simpson Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and is hereby, incorporated, under the name and style of the Bloomfield and Simpson Creek Turnpike Road Company; and by said name and style shall have perpetual succession, and may sue and be sued, implead and be impleaded, and as such is hereby vested with all the powers and rights enjoyed by similar corporations in this Commonwealth.

§ 2. The following persons are appointed commissioners to receive subscriptions of stock to said company: John R. Downs, William S. Mason, Thomas J. Guthrie, and Samuel B. Merrifield, who are authorized to open books at any time or place they may deem proper, and receive subscriptions of stock for the purpose of constructing a turnpike road from Bloomfield down Simpson creek to the line between Spencer and Nelson counties.

§ 3. The capital stock of said company shall not exceed five thousand dollars, and shall be divided into shares of fifty dollars each.

§ 4. When twelve hundred dollars of stock shall be subscribed, the commissioners, or such of them as may act, shall, at such time and place as they may deem proper, call a meeting of the stockholders, and hold an election for president and three directors, to hold their offices until the fourth Saturday in May next succeeding said election, or until their successors are elected and qualified; and on said fourth Saturday in May, and annually thereafter, the stockholders shall elect a president and three directors for one year, or until their successors are elected and qualified;

each share of paid-up stock shall entitle the owner to one vote. The president and two directors shall constitute a quorum for the transaction of business.

§ 5. It shall be the duty of the president and directors to appoint a treasurer, who to give bond, with security, for the faithful performance of his duties, and shall receive and be responsible for all moneys of the company, and hold same subject to the order of the board of directors; and he shall keep an account of the receipts and expenditures of said company in a book kept for that purpose, which shall be open to the inspection of any stockholder in said company.

§ 6. The stock subscribed shall be due when called for by the president and board of directors.

§ 7. Said company may erect one toll-gate, and charge the toll now provided by general law, in proportion to the length of said road.

§ 8. Said company may acquire the right of way, the necessary rock, gravel, wood, or other material for the construction or repairing of said road, as is prescribed by the general laws of this State.

§ 9. This act shall be in force from its passage.

Approved April 4, 1884.

CHAPTER 596.

AN ACT to incorporate the town of Clifton, in Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Clifton, in the county of Jefferson, shall be, and the same is hereby, incorporated within the following limits, to-wit: Beginning on the Brownsboro road, at the southwest corner of Ruhl's property, and running thence eastwardly with the north line of said Brownsboro turnpike or road to the west line of Bowles subdivision (extended); thence southwardly with said Bowles line to the north line of Frankfort Avenue; thence eastwardly with the north line of said Frankfort Avenue, or Shelbyville turnpike, to the north line of the Louisville, Cincinnati and Lex-

ington Railway Company; thence eastwardly with the north line of said railway company to the west line of George K. Speed's property; thence northwardly with said Speed's west line to his north line; thence eastwardly with said Speed's line to a point on the Brownsboro turnpike opposite Catalpa Avenue; thence across said turnpike to the east line of Catalpa Avenue; thence with the east line of Catalpa Avenue to the northerly corner of Edwards' estate; thence southwardly with Edwards' west line to the northerly corner of Ruhl; thence with Ruhl's westwardly line to the point of beginning.

§ 2. That I. F. Stone, Geo. W. Frantz, W. J. Wilson, C. Bullitt, J. C. Lewis, are hereby appointed to act as the first board of trustees of said town, who shall continue in office until their successors are elected and qualified, with power to fill any vacancy or vacancies which may occur in the interim of such election.

§ 3. An election shall be held on the first Monday in April, one thousand eight hundred and eighty-five, and on the same day every year thereafter at Helmke's drug store, or some place convenient thereto, for the purpose of electing five trustees of said town, who shall hold their office for one year, or until their successors are elected and qualified; and at said election the qualified voters of said town shall be entitled to vote, subject to the same rules and regulations now existing or hereafter made by law as to residence and citizenship in the election districts of this State. The trustees so elected shall, before they enter upon the duties of their office, take an oath truly and faithfully to perform the duties enjoined on them as trustees. Said trustees and their successors in office shall be a body-politic, and by the name and style of the trustees of the town of Clifton may contract and be contracted with, sue and be sued, plead and be impleaded, in any of the courts of law or equity in this Commonwealth, and possess all the rights and powers necessary to carry out the purposes for which this corporation is created. They shall have power to enact all by-laws and ordinances necessary for the improvement, regulation, well-being, and advancement of the interest and morals of said town,

provided the same be not inconsistent with the Constitution of the United States or the Constitution and laws of this State.

§ 4. That the said trustees, or their successors, shall be, and are hereby, empowered and authorized to receive, by gift or donation, or to acquire by purchase or condemnation, any lot or lots of ground within said town, for the purpose of erecting thereon school-houses, or making streets and sidewalks, and may contract for the erection of school-houses, making roads, streets, sidewalks, alleys, digging and walling wells, building sewers and cisterns, laying gas and water-pipes, and contracting for a supply of water, planting trees, and keeping in repair all the improvements hereby provided to be made.

§ 5. The trustees shall have power to levy and collect an annual tax upon all the property hereby incorporated, for the purpose of making or keeping up any of the improvements aforesaid, and paying the annual expenses of said town, to be designated as a general tax; to appoint a collector, who shall have power and authority to collect, by distress or otherwise, the taxes levied on the property within said town; but before said collector shall proceed to the performance of said duties, he shall execute a bond to said trustees, in such penalty as said board shall direct, with surety or sureties to be approved by them, payable to said trustees, conditioned for the faithful collection of said taxes, and the payment of same over to said trustees, or such person or persons as they shall direct; and for any breach of the conditions of said bond, said trustees shall have the power and authority to move against said collector and his sureties by suit on his bond.

§ 6. Said trustees shall have power and authority to elect a treasurer, who shall give bond to the trustees, with surety or sureties to be approved by said board, payable and conditioned as provided in section five for the collector.

§ 7. The trustees shall have a map or plat of the said town of Clifton recorded in the office of the Jefferson county court clerk: *Provided, however,* That nothing herein shall be so construed as to include any of the real, personal,

or mixed estate of John Ruhl, or any estate of any kind between the corporate line of the city of Louisville and the extreme eastern line of said Ruhl within the limits of said town of Clifton, nor shall said Ruhl, or any one owning land or property of any kind between him and the corporate limits of Louisville, be in any way subject to any rules or regulations now or hereafter adopted for the government of said town of Clifton.

§ 8. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 597.

AN ACT to amend an act to incorporate the Portland and New Albany Ferry Company, approved March twenty-ninth, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act to incorporate the Portland and New Albany Ferry Company, approved March twenty-ninth, one thousand eight hundred and eighty-two, be amended by inserting the names of J. H. Lindonberger and A. Dowling as corporators, in lieu of that of James F. Irvin, now deceased; and that the said corporators shall have the right to organize said corporation at any time within four years from the date of the passage of this act.

§ 2. That section two of the aforesaid act be so amended as to read that the capital stock of said company shall not exceed two thousand and five hundred shares, as may be determined by the corporators or board of directors, and of the par value of one hundred dollars each.

§ 3. That this act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 598.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors in the counties of Laurel, Rockcastle, Jackson, Owsley, and Clay.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter it shall be unlawful for any person or persons to sell, directly or indirectly, any spirituous, vinous, or malt liquors, wine, ale, beer, or other intoxicating liquors, or a mixture thereof, or of either, within the counties of Laurel, Rockcastle, Jackson, Owsley, and Clay.

§ 2. That for any violation of the provisions of this act the person or persons thus offending shall be fined, for each violation or offense, in any sum not less than twenty-five nor more than one hundred dollars, in the discretion of the court or jury trying the case, same to be recovered by summons, warrant, or indictment in any court having jurisdiction thereof.

§ 3. In prosecutions under this act the county attorney for the county, or Commonwealth's attorney, shall receive the same fees and perquisites as is now allowed by law to Commonwealth's attorneys. If any private person shall voluntarily enter him or herself as prosecutor for any violation of this act, and prosecute same to judgment, he shall be entitled to ten per cent. of said judgment when collected, and the same must be entered as part of the judgment.

§ 4. Any legal distiller shall have the right to sell of his own manufacture, to be carried off his premises, at one time, in any quantity not less than twenty gallons.

§ 5. That any act or parts of acts in conflict herewith are hereby repealed. But this act is not to interfere with prosecutions heretofore begun for violations of said acts heretofore committed; but said prosecutions thus begun may be carried into judgment and execution the same as if this act had not been passed.

§ 6. Any person or persons who shall take orders for and agree to deliver or ship to any person in any of said counties any of said articles, the sale of which is prohibited by this act, in less quantities than that specified in section four,

shall be deemed guilty of a violation of this act, provided said agreement was made in any of said counties.

§ 7. The provisions of this act shall not apply to a regular druggist, who may sell any of such liquors on a prescription from a regular physician for the sick, or for mechanical or sacramental purposes.

§ 8. This act to take effect May first, one thousand eight hundred and eighty four.

Approved April 4, 1884.

CHAPTER 599.

AN ACT to incorporate the Beard Land and Stock Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. P. Beard, Yoder Poignard, G. G. Gilbert, Jos. B. Cox, L. N. Hume, Thos. Collier, Jas. S. Marattay, W. C. L. Beard, Chas. W. Foreman, Jonas Stodgill, M. L. S. Buckner, John T. Ewing, be, and they are hereby, incorporated under the name of the Beard Land and Stock Company, with power to sue and be sued, contract and be contracted with, plead and be impleaded, under their said corporate name, and shall have perpetual succession.

§ 2. The general nature of the business proposed by this corporation is the buying, acquiring, holding, and transferring of lands, and the buying, selling, breeding, raising, grazing of mules, horses, and other live stock.

§ 3. The principal place of business of this corporation shall be at Taylorsville, the county seat of Spencer, State of Kentucky, and its lands, live stock, and so forth, shall be owned, and its operations located and carried on, principally in the counties of Reno, Stafford, and other counties in the State of Kansas.

§ 4. The amount of capital stock authorized to be issued in the name of this corporation is one hundred thousand dollars (\$100,000), divided into one thousand shares, at one hundred dollars each (\$100); the par value of each share shall be one hundred dollars (\$100).

§ 5. The stock subscribed for shall be paid for in such installments, and at such times, as the board of directors may deem proper to direct. The stock of each stockholder is subject to a lien in favor of the corporation for any and all indebtedness whatsoever, due or to become due.

§ 6. The affairs of said corporation shall be conducted and managed by a board of directors, of not less than five (5) nor more than nine (9) in number; the majority of which board shall be citizens of the State of Kentucky.

§ 7. The officers shall consist of a president, vice-president, secretary, treasurer, and general superintendent. The offices of superintendent and secretary may be held by one and the same person.

§ 8. The board of directors shall be elected by the stockholders the first Monday in April of each and every year, and shall hold their respective positions for the period of one year, or until their successors are elected and qualified; and [said] board of directors shall elect from their number a president and vice-president, and appoint such other officers as above designated; and also appoint such agents as may be necessary to assist in conducting the affairs of the corporation.

§ 9. The board of directors shall prescribe the duties of president and vice-president.

§ 10. The board of directors shall fix the salaries of the officers, and specify the compensations to agents.

§ 11. The board of directors shall have power to authorize the president and secretary to sign, execute, acknowledge, and deliver a mortgage or mortgages on all and singular the property, its rights, privileges, and effects of said corporation; and to issue and dispose of certificates of indebtedness and bonds, and other evidences of debt, in such sums, for such purposes, bearing such rates of interest, redeemable at such time or times, and upon such terms and conditions, as the board of directors may order and direct, and the payment of all of which shall be secured by a lien upon all and singular the aforesaid rights and privileges of the corporation.

§ 12. A majority of the board of directors shall have power to carry into effect the powers and duties devolving on said board.

§ 13. Said board of directors shall have power to make by-laws to govern the officers, agents, and attaches of the corporation, and the regulation and management of all its affairs.

§ 14. The highest amount of indebtedness to which this corporation shall at any one time subject itself shall not exceed two thirds of its capital stock.

§ 15. When twenty-five thousand dollars of the capital stock shall have been sold, at not less than par value, this corporation is authorized to begin business.

§ 16. The private property of the stockholders shall be exempt from corporation debts and from all liabilities thereon.

§ 17. The incorporators of this company shall elect from their number a board of directors, and such other officers as above designated. Said board of directors and officers shall hold their respective positions until the first Monday in April, eighteen hundred and eighty-five, or until their successors are elected and qualified.

§ 18. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 601.

AN ACT to incorporate the Glasgow and Mammoth Cave Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Eugene Zimmermann, H. C. Trigg, W. L. Porter, J. P. Nuckols, and C. L. Hill, their associates and successors, be, and are hereby, created a body-corporate and politic, under the name and style of the Glasgow and Mammoth Cave Railroad Company, with perpetual succession; and shall have power to contract and be contracted with, sue and be sued; have and use a common seal, and the same to alter or renew at pleasure. They

shall have power to construct, maintain, and operate a railway, with single or double track, to be either standard, broad, or narrow-gauge, as they may elect, commencing at Glasgow, or at a point on the Louisville and Nashville Railroad, in Barren county, Kentucky, and thence through any of the counties of Barren, Edmonson, Ohio, Grayson, and Muhlenburg, to a point on the Paducah and Elizabethtown Railroad, in any one of the counties of Grayson, Ohio, or Muhlenburg.

§ 2. The affairs of said company shall be managed and controlled by a board of five directors, to be elected by the stockholders in such time and manner as may be prescribed by the by-laws of said company.

§ 3. The capital stock of said company may be fixed by the board of directors of said company, but shall not exceed in amount a sum necessary to build and equip the railroad contemplated by this act. It shall be divided into shares of one hundred dollars each, and shall be held to be personal estate.

§ 4. The said company is hereby given power and authority to borrow money and create indebtedness; and, to secure the same, is authorized and empowered to issue the bonds of the company bearing a rate of interest not exceeding eight per centum per annum, payable at such times and places as they may deem expedient; and may execute mortgages or deeds of trust upon any or all of the property, rights, and franchises of the company.

§ 5. Whenever it shall be necessary for the construction of the said railroad to intersect or cross any stream of water or water-course, or any road or highway lying in or across the route of said road, it shall be lawful for the company to construct the railway across or upon the stream or road; but the corporation shall restore the stream or water-course, or road or highway thus intersected, to its former state, or in a sufficient manner not to impair its usefulness; and if said company, after having selected a route for said railway, find any obstacle to continuing said location, either by the difficulty of construction or procuring right of way at a reasonable cost, or whenever a better or cheaper route can be

had, it shall have authority to vary the route or change its location.

§ 6. That said railroad company, by and through its board of directors or its authorized agents, may open books for and receive subscription of stock to the capital stock of said railroad company, which may be subscribed by any individual, company, firm, or corporation; and as soon as five hundred shares of said stock shall be subscribed, the subscribers, their successors and assigns, shall be, and are hereby declared to be, incorporated into a company, by the name of the Glasgow and Mammoth Cave Railroad Company, and shall be capable of purchasing, holding, selling, leasing, and conveying real estate and personal estate so far as the same may be necessary for the purposes of said corporation; and in all elections held by the stockholders of said road, there shall be allowed one vote for every share of stock held by those voting; and said board of directors shall elect a president, vice-president, and such other officers as may be necessary for their purposes, prescribe their duties, fix the term of their services and their compensation.

§ 7. That there shall be paid, at the time of subscribing for stock in said company, to the person receiving the subscription, the sum of one dollar on each share in money. The residue of said subscription shall be payable in installments at such times as shall be required by the board of directors of said company; but no such payment shall be demanded until after ten days' notice shall have been given by publication in one or more newspapers published on the line of said railroad; and if any subscriber shall fail to pay any installments, or part of any installments, when so demanded, the same may and shall be recovered by an action in the name of the corporation, before any court having jurisdiction in such cases; and in all such actions it shall not be necessary to prove any other demand than the publication provided for in this section; or in case such failure to pay any installment or part of installment so demanded, shall continue for the space of sixty days after the time the same is required by such demand to be paid, the board of

directors may, at their discretion, order the same to be forfeited to the company, and may, if they think proper, sell such share or shares for the benefit of the company; or in the event of the highest bid being less than the unpaid balance and interest on said subscription, then the company may become the purchaser, and shall retire said subscription; but the board of directors, by a majority of the whole, may remit such forfeiture on such terms as they may think proper: *Provided*, It shall be lawful for the commissioners or board of directors to receive subscriptions to said capital stock, payable in contracts, well secured, to build any parts of said road, or any bridge or bridges, or any tunnel or tunnels on same, or to perform any work or furnish any materials which may be accepted by the company: *And provided further*, That said subscriptions to said capital stock may be made in real estate situated in Kentucky, if said subscriptions shall be tendered to the board of directors after their organization; said real estate to be taken at its cash value, and unless otherwise agreed upon by the subscriber and said board of directors, shall be assessed at the time by three commissioners on oath, of whom two shall be selected by the company, and one by the person proposing to subscribe. Upon their report in writing, describing the land and assessing its cash value, the company may receive the same at its value, and issue a stock certificate, and may take a deed of conveyance in fee-simple; and said company may receive by donation work, labor, and materials to build any part of said road; also any lands, minerals, and coal, to be owned and held by said company as other property they may acquire.

§ 8. The said company shall have power to locate and construct branch roads from the main route to any other towns or places in the several counties through or near which said road may pass.

§ 9. The said company may construct telegraph lines along the main road, or any branch, and keep batteries at such points or places as they may deem proper, and make such connections with other lines as may be desired.

§ 10. That the said company shall be, and is hereby, authorized and empowered, by the vote of the holders of a majority of the capital stock thereof, at any regular or called meeting of the stockholders of said company, to purchase or lease any railroad or railroads connecting with it, or that may be made connecting roads, or to consolidate the said company with any company controlling or owning such roads; or to subscribe to or for the capital stock, in whole or in part, of such roads; or to lease or sell said road or any of its branches to any other company or corporation. In the event of the purchase of, or a subscription to, or for stock in any such railroad or railroads, as herein authorized, the said Glasgow and Mammoth Cave Railroad Company shall be, and is hereby, authorized to pay for the same in money, stock, or bonds; and in order to make provision therefor, the said company shall be, and is hereby, authorized and empowered, with the consent of the holders of a majority of the capital stock thereof, to increase its capital stock, or to issue bonds in amount sufficient to pay for the same, payable at any period, not exceeding thirty years after the date thereof. Said bonds may be made payable in or out of Kentucky, and shall bear an annual interest, not exceeding eight per cent. per annum, payable semi-annually; and may be sold for less than par, if deemed advisable by the company. To secure the prompt payment of said bonds, the company is hereby authorized and empowered to give and execute a mortgage lien upon the property, franchises, rights, and credits of said corporation, and pledge the same as a security for said loan or bonds.

§ 11. The Legislature reserves the right to regulate the rates of freights and passage over the said road hereby incorporated.

§ 12. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 602.

AN ACT to incorporate The Capital Brewing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Sigmund Luscher, George Salander, Louis Weitzel, Grant Green, Joseph Schroff, and F. Wolf, and their associates, survivors, successors, and assigns, be, and they are hereby, created and constituted a body-politic and incorporate, under the corporate name and style of The Capital Brewing Company; and by that name and style shall have perpetual continuance and succession for the purpose of carrying on the business of manufacturing and selling malt liquors, malt, and ice, and buying and selling ice, hops, barley, and other grain, and conducting a general brewing and malting business in all its branches.

§ 2. The said company may have and use a common seal, and by its name and style aforesaid may contract and be contracted with, sue and be sued, plead and be impleaded; and it may acquire and hold, by purchase or otherwise, such lands, tenements, chattels, and property of every description, as the directory of said company, may, in their discretion, deem necessary and proper in or auxiliary to the business of said company, and sell and convey, mortgage, charge, encumber, and dispose of said property, or any part thereof, absolutely or for terms of years, as may be desired; and said company is hereby invested with all the other rights, privileges, franchises, and immunities incident to corporations by the general law, or which may be and are usually granted to other manufacturing corporations in this Commonwealth.

§ 3. The principal place of transacting its business shall be at Frankfort, Kentucky, but it may establish branch offices or agencies in other places.

§ 4. The amount of capital stock of said corporation shall be (\$70,000) seventy thousand dollars, divided into shares of one hundred dollars each, to be subscribed for and paid for in such manner as the incorporators may designate; and said incorporators, or any three of them, may, at any time after the passage of this act, open books for subscription and pro-

cure subscribers for the said capital stock, and when (700) seven hundred shares thereof shall have been subscribed, then said incorporators, or any three of them, shall, by writing or public advertisement, notify each and every subscriber of the time and place of the meeting of said company, at which meeting the said stockholders shall, and each year thereafter on the first Monday in May, shall elect officers to be chosen from among themselves, as follows: A president, a vice-president, a secretary, a treasurer, and a superintendent. The offices of secretary and treasurer may be held by the same person. All of said officers except the vice-president shall reside at Frankfort, and said officers shall constitute a board of directors, and have full power and authority to conduct the business of the corporation. The officers shall each give bond with security for the faithful performance of their respective duties, in such penal sums as may be fixed by the stockholders at the time of their election. The duties of the several officers shall be prescribed by the by-laws of the company, which the stockholders shall have full powers to pass and adopt for the conduct of their business and affairs; but all checks, notes, or bills drawn on the funds of the corporation, or for the payment of which it is to be liable, shall be signed by the treasurer, and countersigned by the president.

§ 5. The capital stock may, by a majority vote of two thirds of the stock, be increased to any amount not exceeding one hundred thousand dollars (\$100,000).

§ 6 All sales and transfers of stock shall be made upon the books of the corporation; and any member may withdraw from the corporation, by sale or transfer of his stock as hereinbefore provided for, provided all payments thereon have been made.

§ 7. The highest amount of indebtedness or liability to which the corporation shall subject itself at any time shall not exceed thirty (30) per cent. of its paid-up capital stock.

§ 8. Private property of stockholders shall be exempt from all the corporate debts.

§ 9. The said directors may employ all agents, officers, and servants needed, in addition to those provided herein,

and fix their compensation, prescribe their duties, and remove them at pleasure.

§ 10. At each stockholders' annual meeting the officers shall present written reports, detailing the transactions during the year then ending, and a balance sheet showing fully the condition of the company's affairs.

§ 11. At each meeting of stockholders a majority of stock represented by owners, in person or by proxy, shall constitute a quorum for the transaction of business; but no by-law once adopted shall be repealed or amended, except by a vote of a majority of the capital stock in favor thereof.

§ 12. This act shall be in force from and after its passage.

Approved April 4, 1884.

CHAPTER 603.

AN ACT to incorporate the Harrisonville and Beech Ridge Turnpike Road Company, in Shelby county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and the same is hereby, incorporated, to construct a road, on the macadamized plan, from a point near Herman Rothchild's, on Mt. Eden pike, in Shelby county, to Bagdad and Harrisonville pike, near William Cook's, in Shelby county, upon and over the most practicable route between said points above named, under the name and style of the Harrisonville and Beech Ridge Turnpike Road Company; and by that name and style may sue and be sued, contract and be contracted with, plead and be impleaded, and use and have a common seal, and alter and amend the same at pleasure.

§ 2. The capital stock of said company shall be not exceeding fifteen thousand dollars (\$15,000), to be increased or diminished at the pleasure of the company, and to be divided into shares of twenty-five dollars each.

§ 3. That Allen Robertson, John J. Burnett, John Turner, Geo. T. Robertson, and Joseph Snider are hereby appointed commissioners, whose duty it shall be to open books for the subscription of stock at such places as said

commissioners may designate ; and as soon as one thousand dollars is subscribed, they shall give ten days' notice, at the most public places in the vicinity of the line of road, of a meeting of the stockholders for the purpose of electing a president and five directors for said company, a majority of whom shall be competent to do business, and to do all things authorized by this act to be done by the president and directors of said company ; and the management of the fiscal and prudential affairs of said company shall be confined to said president and directors and their successors in office, to be chosen annually at such times and places as the said president and directors, from time to time, may appoint, and who shall continue in office for one year, and until their successors are elected and qualified.

§ 4. That no person shall be eligible as president or director who is not the owner, in his own name, of one or more shares of stock in said road.

§ 5. The president and directors shall have the power of appointing a treasurer, gate keeper, and all other officers or agents deemed necessary to effect the purposes of this act, and to remove the same at pleasure. They shall have power to require of the treasurer, and all other officers or agents appointed by them, bond and security in such penalties as they may require, conditioned for the faithful performance of the duties incumbent on them as such.

§ 6. The commissioners herein appointed shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, viz: We, whose names are hereto subscribed, do promise to pay to the president and directors of the Harrisonville and Beech Ridge Turnpike Road Company the sum of twenty-five dollars for each and every share of stock in said company set opposite our names, in such manner and proportion, and at such times as shall be by them required under the law incorporating said company, to be collected as other debts. Witness our hands this — day of —, one thousand eight hundred and eighty-four.

§ 7. That said road shall not be less than twenty five feet wide. The width of the grade shall be twenty feet, and the

metal not less than ten feet wide, and shall be graded to an elevation not exceeding five degrees at any part thereof; that whenever two and one half continuous miles of said road are completed, the company may erect a toll-gate and charge tolls thereat, at a rate of toll not exceeding that now authorized by law on roads made under the general turnpike laws of this State.

§ 8. That the president and directors of said road shall have the right and power to acquire the right of way for said road, and of earth, stone, or gravel, or timber for its construction, by voluntary concession and release, or by private contract with the land-holders: *Provided, however,* If the right of way, and if material cannot be had as above indicated, it shall be obtained in a manner and mode prescribed by the general laws of the State for condemning lands, materials, et cetera, for the construction of turnpike roads, bridges, et cetera.

§ 9. When a stockholder shall have made full payment of his stock, it shall be the duty of the president, over his signature, to issue certificates of stock to all persons entitled to the same, attested by the secretary of said company.

§ 10. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 604.

AN ACT for the benefit of the estate of F. J. Harris, late sheriff of Caldwell county.

WHEREAS, F. J. Harris, late sheriff of Caldwell county, has died, leaving uncollected State revenue, county levy, and railroad tax in said county, for years one thousand eight hundred and seventy nine, one thousand eight hundred and eighty, and one thousand eight hundred and eighty-one, having, however, paid the State revenue and county levy for said years; and whereas, the engagements and duties of his personal representative are such as to render it impossible for him to collect said tax; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the present sheriff of said county and deputies, and his successors in office and deputies, shall have same power to select said taxes, and to levy, distrain, and sell for same, that they have or may have to collect, distrain, levy, and sell for taxes originally placed in their hands for collection; and shall receive same compensation therefor, and they and their sureties shall be liable in same manner and to same extent; and out of said tax so collected they shall first pay any balance due said county on account of said tax, and the balance, if any, they will pay to the personal representative of said Harris; and said power to collect, distrain, levy, and sell for said tax, shall continue for two years from and after the passage of this act.

§ 2. This act shall be in force from its passage.

Approved April 4, 1884.

CHAPTER 605.

AN ACT authorizing the court of claims of Fayette county to take stock to the amount of fourteen hundred dollars per mile in certain turnpike roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the court of claims of Fayette county be authorized and empowered to take stock in any amount, not exceeding fourteen hundred dollars per mile, in any company or companies that may be organized to turnpike, in whole or in part, the following dirt roads in Fayette county: (1). What is known as the Huffman Mill Road, beginning at a point near the school-house on the Russell pike, and running thence by Huffman's old mill to an intersection with the Georgetown dirt road at the lands of W. C Sprake and John Innis. (2). The Mt. Tabor Road, beginning at the present terminus of the Mt. Tabor Turnpike, and running thence to the Tate's Creek Turnpike Road.

§ 2. This act shall take effect from its passage.

Approved April 4, 1884.

LAWS OF KENTUCKY.

CHAPTER 606.

AN ACT to prevent the sale of spirituous, vinous, or malt liquors within three miles of Mt Vernon Church, in Woodford county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell any spirituous, vinous, or malt liquors within three miles of Mt. Vernon Church, in Woodford county.

§ 2. That if any one violate the provisions of this act, they shall, upon conviction, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense, and each selling shall constitute a separate offense.

§ 3. This act to take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 608.

AN ACT to amend and reduce into one the several acts relative to working the county roads in Boyle county, and authorize the county court of said county to levy an ad valorem tax to pay for working said roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act of the General Assembly of the Commonwealth of Kentucky, entitled "An act for the better regulation and working of county roads in Boyle county," approved March sixth, one thousand eight hundred and eighty-two, and the act entitled "An act to amend the road laws of Lincoln, Boyle, and Garrard counties," approved April seventeenth, one thousand eight hundred and eighty-two, and the act, entitled "An act to authorize the county court of Boyle county to levy an ad valorem tax in aid of the county roads of said county," approved March eighteenth, one thousand eight hundred and eighty-four, be, and the said acts are hereby, repealed, so far as they relate to the said county of Boyle.

§ 2. That the provisions of chapter ninety-four of the General Statutes of Kentucky, entitled "Roads and Passways," and the amendments to said chapter, with the ex-

ception of the said amendments repealed by section one of this act, be, and the same are hereby, re-enacted and made applicable to the county of Boyle, and to the working of county roads in said county.

§ 3. That the county court of Boyle county, a majority of the members thereof sitting concurring therein, be, and it is hereby, authorized to levy, annually, upon the taxable property of said county, an ad valorem tax not exceeding ten cents on each one hundred dollars of taxable property in said county, to raise a sum to pay for the working said county roads in Boyle county, and to pay fifty cents per day to every hand working the county roads of said county; and eight hours' work shall be considered a day's work in the meaning of this act.

§ 4. That the tax so levied shall be collected annually by the sheriff of said county at the same time he collects the State revenue; and he shall be subject to the same liability and penalties for collection of same that he is now subject by law for the collection of the State revenue.

§ 5. The surveyor of each road in said county shall report, in writing, under oath, to the county court of said county, composed of the justices of the peace of said county, the number of hours worked by each hand on his road; and said court may allow any just claims for work so done as in this act provided, to be paid as other claims against said county are allowed to be paid.

§ 6. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 609.

AN ACT to amend an act, entitled "An act to incorporate the Bardstown and Fairfield Turnpike Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Bardstown and Fairfield Turnpike Road Company," be, and same is hereby, amended as follows: Said company may

construct a turnpike from their present road to intersect the Bardstown and Bloomfield Turnpike Road.

§ 2. Said branch road to leave the Bardstown and Fairfield Turnpike Road at or near the corner of R. B. Lancaster and Thomas Smith, on said road, and to intersect the Bardstown and Bloomfield Turnpike Road at or near the corner between the lands of Mrs. Nannie M. Wilson and Arch. C. Wilson; to be located on the most practicable and convenient route between said points.

§ 3. In constructing said branch road, said company shall have the same power, rights, and privileges as the original charter grants on the main road.

§ 4. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 610.

AN ACT to authorize and empower the court of claims of Shelby county to levy an additional ad valorem tax.

WHEREAS, The county of Shelby is indebted in a considerable sum of money on other accounts than its railroad and turnpike indebtedness; and whereas, an act, entitled "An act to empower the court of claims of Shelby county to levy an additional ad valorem tax," approved February twenty-eight, one thousand eight hundred and eighty, is about to expire; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims of Shelby county, a majority of the justices of the peace of said county concurring therein, be, and the same is hereby, authorized and empowered, at its regular May terms in the years one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, one thousand eight hundred and eighty-seven, and one thousand eight hundred and eighty-eight, to levy an additional ad valorem tax of not exceeding four (4) cents on each one hundred dollars' worth of taxable property in said county, the fund arising from said tax to be applied exclusively to the payment of the indebt-

edness of the county levy of said county existing on the first day of January, one thousand eight hundred and eighty five ; and any appropriation of the fund so raised, except for the purpose mentioned in this section, shall be punished as malfeasance in office is now punished by law.

§ 2. The sheriff of said county shall collect and pay over said tax; but before proceeding to collect the same, he shall execute bond, with good and sufficient sureties, to the Commonwealth of Kentucky, to be approved by the county court of said county, for the faithful discharge of his duties in collecting and paying said tax. Said sheriff shall have the same powers and be subject to the same penalties as are now prescribed by law for the collection of the State revenue ; and his compensation for said services shall be fixed by said court of claims, not, however to exceed the compensation allowed for the collection of State revenue.

§ 3. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 611.

AN ACT to incorporate New Castle Lodge, number two hundred and seven, Independent Order of Odd Fellows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the officers of New Castle Lodge, number two hundred and seven, Independent Order of Odd Fellows, and their associates, be, and they are hereby, created a body-politic and corporate, by the name and style of New Castle Lodge, number two hundred and seven, Independent Order of Odd Fellows; and they and their successors and associates shall so continue and have perpetual succession, and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded with, answer and be answered, in all courts of law and equity in this Commonwealth; contract and be contracted with; to make, have, and use a common seal, and break, alter, or change the same at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in

said lodge shall so continue until altered or amended, which said lodge may do at pleasure : *Provided*, That they do not conflict with the Constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows incorporated by an act approved February sixteenth, one thousand eight hundred and thirty-eight, nor in contravention of the Constitution and laws of the United States or of this State.

§ 2. The said corporation shall have power and authority to acquire and hold real and personal property, not exceeding ten thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds.

§ 3. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 612.

AN ACT to empower the Harrison county court to levy a tax for the purpose of erecting a bridge across South Licking river, at Cynthiana.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county court of Harrison county, a majority of the justices in commission in said county concurring therein, to levy upon all the property in said county subject to taxation for county revenue, an ad valorem tax of not exceeding fifteen cents upon each one hundred dollars of said property, and to provide for the collection of the same; and the proceeds of said levy, when collected, shall be applied exclusively to the building and constructing a bridge over South Licking river, from or near the foot of Pleasant street, in the city of Cynthiana, to the west bank of said river (in the event said county court shall determine to erect said bridge).

§ 2. That the sheriff of Harrison county shall collect such tax as said county court may levy under the provisions of this act, and shall pay over the same when so collected to such person or persons as the court may order; and for the faithful discharge of his duties under this act, said sheriff

and his sureties shall be liable on his official bond. The sheriff shall receive for collecting and paying over said tax the same rate of commission he is allowed for collecting the State revenue.

§ 3. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 613.

AN ACT to empower the Boone county court to sell and to legalize the sale of delinquent county levy tax-lists.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims of Boone county may annually sell to the highest and best bidder, at public sale, the list of delinquent county levy taxes for the year preceding, and that the sale shall be made by the county attorney, after such advertisement, and upon such terms of payment as the court may fix in its order directing the sale; and the purchaser of such tax-list, or any part thereof, shall have the full benefit thereof, with power to collect the same, in the same manner, and under the same penalties, as the sheriff may collect taxes.

§ 2. Any sale of delinquent county levy tax-lists heretofore made by the Boone county court of claims is hereby legalized; and the purchaser of such lists, or any part thereof, shall have the benefit of, and the power to collect the same, as provided in the preceding section.

§ 3. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 615.

AN ACT to amend an act, entitled "An act to incorporate Solomon's Lodge, number five, at Shelbyville, in Shelby county," approved March tenth, one thousand eight hundred and fifty-four.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to incorporate Solomon's Lodge, number five, at Shelbyville, in Shelby county, approved March

tenth, one thousand eight hundred and fifty-four, be, and the same is hereby, amended as follows, to-wit: That it shall be lawful for said lodge to borrow money to use for the repairing or rebuilding of its lodge building; and for said purpose shall have full power and authority to issue bonds and notes for any money so raised; and for the purpose of securing the payment of any such bonds or notes that may be issued, shall have authority to mortgage its real or personal property, or both. The execution of said bonds, notes, or mortgage shall be deemed sufficient, when signed with the name of the lodge by the worshipful master of said lodge, under an order entered of record on the minute-book of said lodge.

§ 2. This act to take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 616.

AN ACT to amend an act, entitled "An act to incorporate the Covington and Cincinnati Pier Bridge Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That before the city of Covington shall issue any bonds under or by virtue of the provisions of an act passed at the present session of the General Assembly, entitled "An act to incorporate the Covington and Cincinnati Pier Bridge Company," the incorporators named in said act shall execute to the city of Covington, with good surety, to the satisfaction of the mayor of Covington, a bond in the sum of one million dollars, conditioned that said company shall complete the bridge provided for in said act within the time specified in said act.

§ 2. Said bond may be sued upon by the city of Covington, or any citizen in the name of said city.

§ 3. The election provided for in this act shall be held on the last Saturday in June, one thousand eight hundred and eighty-four.

§ 4. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 617.

AN ACT to amend the charter of Central Covington, of Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the town of Central Covington," passed and approved May fifth, one thousand eight hundred and eighty, be, and is hereby, so amended that at the next annual election, which will be held on the first Saturday in April, one thousand eight hundred and eighty-four, seven trustees shall be elected instead of five, as provided for in said charter, three of whom shall be elected for two years, and the remainder for one year; those whose term of office shall be for two years shall be determined after the election, at the first meeting of the board of trustees, by lot. At the annual election, one thousand eight hundred and eighty-five, four trustees shall be elected for the term of two years, and in one thousand eight hundred and eighty-six, three trustees shall be elected, and so on, each trustee being elected for two years instead of one year, as provided for in said charter. A majority of the board of trustees, at any meeting, shall constitute a quorum for the transaction of business. The board of trustees shall keep a record of their proceedings, determine their own rules, and compel the attendance of the members to any meeting of the board of trustees by directing the town marshal to make arrests for the purpose if necessary; and in case of the continued absence of any trustee for three months from the meetings of the board, without an excuse satisfactory to the said board of trustees, then the said trustees shall have the power to declare his seat as trustee vacant, and appoint his successor until the next annual election. The trustees shall have the power to decide all the town elections of officers of said town, and by a two-thirds vote remit any fines imposed by the police judge of said town for violation of town ordinances. They shall have the power to collect a tax of two dollars or two days' work from each male person residing in said town, and collect it under a law the same as the road law of Ken-

ton county, to be applied to improving the streets, roads, and alleys of said town, as in section eight, town charter. They shall have the power and authority to assess and collect a special tax the same as other taxes are collected, of not exceeding ten cents on the one hundred dollars' valuation on all real property, farming land excepted, in said town, to be applied on paying the general expenses of the corporation, including the construction of public cisterns for fire protection, the lighting of the town with gasoline or oil, and so forth. They shall have the power and authority to license all saloons and taverns, bowling-alleys, billiard, pool, and other ball tables, and fix the cost of said license; but such license shall not take effect until the State and county license fees are paid. They shall have the power to have the sidewalks of the streets and roads improved to such a width as they may ordain with plank, brick, or stone, and keep the same in repair at the expense of the property owners fronting on the same; and the cost and expense thereof shall be a lien on the property fronting on said improvement. Whenever at any time the sidewalks of said town shall be out of repair, the said trustees shall have power to order and direct the same to be repaired at the expense of the owners of lots fronting same where the repairs shall be necessary; and the cost and expense thereof shall be a lien on the property fronting thereon, and collected in like manner as is provided in section ten in the charter of said town. Also all street improvements made under section eleven in the charter of said town shall be a lien on the property fronting on said improvement, and may be recovered in any court of this Commonwealth. They shall have the power and authority, by a majority vote of the trustees, to appoint an assessor, tax collector, or road or street overseer, assistant marshal, and provide by ordinance the duties and compensation of said officers, and shall be sworn, and so forth, as in section twelve in the charter of said town.

§ 2. The police judge shall, at the next annual election, to be held on the first Saturday in April, one thousand eight hundred and eighty-four, be elected for two years.

He shall keep a true record of all the business done in his office, and monthly pay into the treasury of the town all moneys which may come into his hands from fines and forfeited bonds. His docket and books shall be open to the inspection of any committee from the board of trustees at any time. In case of resignation, death, or removal from the town of the police judge, the vacancy in said office shall be filled by the trustees of the town at a regular meeting thereof; and such person elected by them shall fill the office until the next annual election of the town.

§ 3. The assessment of the tax provided for in the first section of this amendment shall be made between the tenth day of January and the tenth day of May of each year; the assessor's book shall then be submitted to the board of trustees, and remain in their hands fifteen days, subject to the inspection of tax-payers of said town. Said trustees shall have the power to correct any mistake or errors made by the assessor. The town clerk shall then make out the tax bills and place them in the hands of the treasurer, and all those not paid by the fifteenth of June of each year shall be marked delinquent, and pass into the hands of the collector, with fifteen per cent. added.

§ 4. In the collection of delinquent tax-bills the collector shall have all the power conferred upon him as is conferred upon the city collector of the city of Covington by the third section of article three of the city charter of the said city of Covington, passed and approved March second, one thousand eight hundred and fifty.

§ 5. So much of the charter of Central Covington, passed and approved May fifth, one thousand eight hundred and eighty, as may conflict with the provisions of these amendments, be, and the same is hereby, repealed, and the remaining parts of said charter shall remain in full force and effect.

Approved April 4, 1884.

CHAPTER 618.

AN ACT to incorporate the town of Flat Gap, in Johnson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Flat Gap, Johnson county, Kentucky, be, and the same is hereby, incorporated as a town, to be called Flat Gap, and that the boundary thereof shall be as follows : Beginning at the mouth of the branch near William R. Holbrook's house; thence in a straight line to the grave yard on the farm of Henry Jane; thence in a straight line to a drain at the crossing of the county road west of the graded school-house lot; thence in a straight line to a rock marked D, below G. W. Webb's house; thence in a straight line to a rock marked E, above David Daniels' house; thence in a straight line to a cherry tree on the point above the dwelling-house of B. F. Salyer; thence in a straight line to a rock marked G, on the bank of the branch above William R. Holbrook's; thence with the said branch to the beginning.

§ 2. That all the financial and municipal affairs of said town shall be vested in five trustees, who shall be elected every two years; and no person shall be eligible to the office of trustee except a resident of said town. The said trustees shall hold their offices until their successors are elected and qualified; they shall have power to fill vacancies in their own body, occurring by reason of death, removal, or resignation; a majority of said trustees shall constitute a quorum for the transaction of business.

§ 3. On the first Saturday in May, one thousand eight hundred and eighty-four, and every two years thereafter, there shall be an election held in said town for the election of five trustees, a police judge, and a town marshal. Ten days' notice of said election shall be given by the clerk or chairman of board of trustees by written or printed posters.

§ 4. The said trustees shall be a body corporate, with all the general powers conferred by the laws of this Commonwealth upon the corporate bodies of like character for the maintenance of law and good order in said town; may have and use a common seal, and may alter the same at pleas-

ure. They shall be known by the name and style of the Board of Trustees of Flat Gap, and as such may sue and be sued; may contract for and own and hold property, money, and any real estate that said board of trustees may deem necessary for public purposes.

§ 5. In all cases the officers of said town, when chosen or elected at a town election, shall, on the following Saturday, qualify except the police judge, who shall qualify as soon as may be convenient after receiving his commission from the Governor. The said officers in all cases may qualify by taking the oath of office before any justice of the peace of Johnson county, or the county judge thereof.

§ 6. The said trustees, after being sworn to discharge the duties of their office, shall elect one of their number chairman to preside over their deliberations, who shall be known as the Chairman of the Board of Trustees of Flat Gap; and as such shall have a vote only in case of a tie in the remaining trustees. The said board may also elect one of their number as clerk, who shall, in a well bound book keep recorded the minutes of the board, and it shall be at all times open for public inspection in his custody and presence; copies of said minutes and proceedings of the board, under the hand of said clerk, or of the chairman of the trustees when there is no clerk, shall be received as record evidence in the courts of this Commonwealth.

§ 7. The police judge shall have exclusive jurisdiction of the by-laws and ordinances of the said town, and concurrent jurisdiction with justices of the peace in all civil, criminal, and penal causes, and shall sit as a court of examination, with concurrent jurisdiction of two justices of the peace, in felony cases within the limits of said town. All warrants, issued by him as police judge shall be directed to the marshal, sheriff, jailer, or any constable of Johnson county, who shall execute the same. Before entering upon the duties of his office, the said police judge shall be sworn to honestly and faithfully perform the duties of his office in addition to the oaths required by law.

§ 8. The said court of said police judge shall have exclusive jurisdiction in all cases where the trustees shall

proceed to condemn land, or the materials for the opening, extending, or widening streets, alleys, or other property for public use; and shall have power to award the writ of *ad quod damnum*, and adjudicate upon the same

§ 9. The said court shall always be open for the trial of civil and criminal causes; and shall have the same power to summon and empanel juries, and adjudge fines in the same manner, and to not exceeding the same amount, as is possessed by justices of the peace; and appeals shall be had from his judgments in similar manner, and to same amount, as is or may hereafter be provided by law from judgments of justices of the peace in civil, criminal, and penal causes; as to judgments in cases of writs of *ad quod damnum*, in similar manner as from county courts.

§ 10. It shall be the duty of the marshal to see that the ordinances and the by-laws of said town are carried into execution; and shall collect all taxes imposed by the trustees; and shall annually give a good and sufficient bond, to be executed before and approved by the chairman of the board of trustees, for the faithful account and payment of all moneys that may come to his hands, and for the performance of his duties of office; said bond shall be attested by the said chairman or the clerk of the board of trustees, and shall be filed by them in the records of said town.

§ 11. The said police judge, marshal, and trustees, except the clerk of the board, shall not be allowed any salary, but shall each receive the fees of their respective offices as now fixed and regulated by law for magistrates, constables, sheriffs, and other officers performing services similar to those required of them by this act.

§ 12. That the fines, forfeitures, and licenses recovered and paid in from all sources within the said town, are granted to the said town, except so much as goes to the Commonwealth from any license granted by her to operate within the limits of said town.

§ 13. The said board of trustees may clear the streets and alleys, sidewalks, and passways of said town, of all obstructions, sinks, cisterns, and wells thereon, abate and prevent nuisances, regulate the storage and sale of combustible,

dangerous, explosive or unwholesome material. They may enact by-laws or ordinances for the prevention of the erection of unsafe chimneys, flues, and fires. May require the owners of property fronting on the streets to keep the sidewalks open, continue, enlarge, and open streets and alleys, and lay off squares, improve sidewalks, and grade streets, whenever public necessity may require, and as the growth of the town may demand. They may prohibit the sale of intoxicating liquors in said town, or they may grant licenses and fix the rates thereof, and regulate the sale of intoxicating liquors of all kinds, and may require a license of not less than fifty dollars for a coffee-house keeper or other person licensed to retail spirituous and intoxicating liquors, and of merchants to sell such like liquors not less than twenty-five dollars, and they may by ordinances prescribe fines and penalties for the selling in any manner such spirituous liquors without the prescribed license, and may also by ordinance prescribe fines and penalties for a violation of the enactments and ordinances of the said board of trustees, and generally they may provide by by-laws or ordinances all such things as are necessary for the good government, peace, health, and comfort of the said town and its citizens.

§ 14. In laying off squares and opening streets and alleys, if the consent of the owners of the land cannot be first obtained, the trustees may, after ten days' notice to the owners thereof, or their agents, proceed to condemn the same, and assess the value thereof before the police court of said town, according to the general law now or then existing and in force.

§ 15. In case of a vacancy at any time in the office of police judge, the chairman of the board of trustees may, for the time being, act as such judge, with all the incidents and powers of said judge. Should there be a vacancy in the office of town marshal, one may be elected by the board of trustees to act until the vacancy has been filled by a regular election.

§ 16. The board of trustees shall have power to levy and collect taxes as follows: An ad valorem upon the property in said town liable to taxation for State revenue, of not ex-

ceeding one cent to each dollar's worth of property in value: *Provided*, That upon land within the limits of said town used for farming purposes, and not laid off into streets and squares, the tax assessment thereon shall not exceed the rate of tax provided for herein, and upon an assessed valuation not greater than the value of other like farm lands in the county.

§ 17. The trustees of said town, for a true taxation, may cause the property of said town liable for taxation to be assessed by some one other than the town marshal, to be appointed by them, and to be listed as of January the tenth of each year.

§ 18. The said town of Flat Gap is hereby authorized to establish and maintain graded common schools in which may be taught all the children of said town, between the ages prescribed by the common school laws of this Commonwealth, now or hereafter to be in force; and to secure this end it is hereby enacted that one-fourth portion of all the net revenue received by said corporation from taxes, fines, licenses, and all other sources, be, and the same is hereby, dedicated and set apart, to be used in the aid of said schools in said town: *Provided*, That there shall be no mixture at any time of white and negro children, nor shall the property of the one class, or of either, be taxed for the education of the other.

§ 19. That said graded common schools may be conducted and taught in conjunction with the common school districts in which the town of Flat Gap is included, or if the trustees of Flat Gap so elect, and prefer it, the town of Flat Gap shall be deemed one district, and entitled to its proportion of the State's common school fund.

§ 20. The board of trustees of Flat Gap may, once every year, or oftener, in case of a vacancy, appoint one of their number to act as trustee of any graded common school established as herein; and he may act as such during and for the year he may have been appointed.

§ 21. All persons residing within the town of Flat Gap, as also all persons owning real estate situated in said town, and who are legal voters at county and State elections, shall

be qualified voters at all municipal elections held in and for the town of Flat Gap.

§ 22. All process in cases in which the police judge has exclusive jurisdiction shall be issued in the name of the town of Flat Gap.

§ 23. The marshal shall have the same power to levy upon and sell property for town taxes, and for the payment of fines and penalties under the by laws and ordinances of Flat Gap, that the sheriff has for the payment of State and county taxes; and in the enforcement of executions and writs for fines and penalties, he may make sale in front of the post-office in Flat Gap upon ten days' notice of time and terms.

§ 24. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 619.

AN ACT to protect the overflowed lands in Jefferson county from the depredations of stock running at large.

WHEREAS, The recent extreme freshets of the rivers and creeks of this Commonwealth have caused an overflow of the lands bordering on the Ohio river, and included in the county of Jefferson, and which overflow has swept away nearly all the fencing upon the bottom lands in Jefferson county subject to overflow, leaving the farming lands exposed to injury and damage from the depredations of stock running at large, and the said lands cannot be inclosed in time to raise and protect crops during the present season; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all stock running at large, upon any land subject to overflow by the Ohio river in said county, shall be liable to be taken up and impounded by the owner or tenant of the land on which such stock may be found, or in the vicinity thereof, and kept so impounded until the owner shall appear, claim his property, take charge thereof, and prevent such stock running at large in the future; and if the

owner is known to the taker-up, he shall be promptly notified of such impounding, and if the owner shall promptly take charge of his stock, and not allow it to run at large again, no further proceedings shall be prosecuted for the first offense.

§ 2. If such owner shall not, when notified, promptly appear and take charge of such stock, and take care of it in the future, or without notice, if the owner shall suffer and permit the stock to remain impounded for twenty-four hours without seeking and taking charge of it, he shall be subject to a fine of not less than one nor more than ten dollars per head for every day he shall suffer it to remain so impounded, to be recovered by penal proceedings in the name of the Commonwealth by warrant before any justice of the peace of the county, upon service of process five days before the trial, such fine to be collected in the same manner as other fines are collected for penal offenses, and, in addition thereto, unless the fine and costs are replevied by bond with sufficient surety, immediately upon its infliction, execution of *fi. fa.* may be issued, which may be levied upon the stock impounded, or any other property of the defendant, and sold after ten days' notice posted at three or more places in the vicinity.

§ 3. If no owner can be found for such stock, then, and in that case, the stock shall be disposed of as is provided by existing laws in regard to other estrays.

§ 4. This act shall take effect and be in force from its passage.

Approved April 4, 1884.

CHAPTER 620.

AN ACT to amend the charter of the Falls City Bank, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be lawful for said bank to have any number of directors, not less than seven nor more than eleven; that four shall be a quorum; that the present board may fill the vacancies, or so many of them as to it may

seem discreet, until the next general election, and that at said and every other general election, the stockholders shall first determine how many directors, not less than seven nor more than eleven, shall be elected, and then proceed to elect the number determined on; and the board so elected may, during its term of service, fill all vacancies, or so many as to it seems proper up to the number of eleven.

§ 2. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 621.

AN ACT to legalize the issuing of certain bonds by the Hart county court of claims.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the action of the Hart county court of claims, a majority of the justices of the peace of said county being then present and concurring, in making an order upon the order-book of said court at the January term, one thousand eight hundred and eighty-four, authorizing and directing the judge and clerk of said court to issue the bonds of said county of Hart to J. B. Chapline, A. T. Snoddy, and W. J. Macy, for the amounts due said persons respectively for unpaid claims owing them from said county, be, and the same is hereby, legalized, and said bonds made payable at maturity out of any moneys under the control of said court, or that may thereafter be raised by taxation for county purposes.

§ 2. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 622.

AN ACT to provide for the auditing of all claims against the county of Hart.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of all persons having claims against Hart county to produce same, properly certified or

proven, to the county attorney of said county, at his office in Munfordsville, Kentucky, at least ten days before the meeting of the county court of claims for said county ; and it shall be the duty of said county attorney to examine, audit, and list said claims in alphabetical order, giving name of claimant, amount and date of claim, and date of filing same before him ; and he shall enter said list in a book to be kept by him for that purpose, and shall return the original list with said claims, and any proof taken therein, to the court at its next term, with his opinion as to each, for allowance or rejection by the courts.

§ 2. Any claim against said county not thus presented at the first term of said court held after the date of the claim, and that shall be presented to a subsequent term of the court for different year, shall not be allowed unless accompanied by the sworn statement of claimant, or his representative, showing that same had not been theretofore presented or allowed, is just, remains due and unpaid, and is not barred by the statute of limitations.

§ 3. It shall be the further duty of said county attorney to give public notice in writing, by bills posted at at least two public places in each voting precinct in said county, thirty days before the meeting of the court of claims in each year.

§ 4. The services herein required of the county attorney shall be estimated in the reasonable allowance fixed by the court for his yearly pay.

§ 5. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 623.

AN ACT to give A. D. Janell, sheriff of Elliott county, further time to execute his revenue bond.

WHEREAS, A. D. Janell, sheriff of Elliott county, in consequence of the high waters in that county, did not execute his bond as sheriff for the collection of the revenue taxes at the time required by law, but executed a bond at a subsequent day, and doubts have arisen as to the validity of said bond ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time until the first Monday in May, one thousand eight hundred and eighty-four, be, and is hereby, given to A. D. Janell, sheriff of Elliott county, to execute a bond for the collection of the revenue bond, which shall be executed as prescribed by law: *Provided*, That he and his sureties in said bond shall be liable to the same actions on said bond, and the same shall be as binding, as if it had been executed within the time prescribed by law.

§ 2. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 624.

AN ACT for the benefit of common school district number two, in Lewis county.

WHEREAS, By an oversight of the trustees, thirty-one pupil children were omitted in the census report of common school district number two, Lewis county, for the school-year ending June thirtieth, one thousand eight hundred and eighty-two; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his draft on the Auditor of Public Accounts, in favor of Eugene A. Jones, commissioner of common schools for said county, for the sum of forty-four dollars and thirty-three cents (\$44.33), payable out of the common school fund for the present school-year ending June thirtieth, one thousand eight hundred and eighty-four.

§ 2. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 625.

AN ACT to provide for a stock law in the fourth and fifth magisterial districts in the county of Kenton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. From and after the first day of October, one thousand eight hundred and eighty-four, it shall not be lawful for any person or persons, within the fourth and fifth magisterial districts in the county of Kenton, to permit their stock of any description to run at large off their own premises or the premises of which they may be in possession. Any person or persons so offending shall be liable to any person or persons damaged by such stock; and for the first offense, shall pay for all damage committed; for the second offense shall pay double the amount of damage committed; and for the third or any subsequent offense shall pay four times the amount of damage committed; and the party injured shall have a lien upon such stock for all such damages, and all costs of enforcing the same, recoverable before any justice of the peace or other court of competent jurisdiction in Kenton county: *Provided*, That the person or persons so injured shall notify the owner or owners, or persons having charge of said stock, of their having trespassed upon him or them. When the parties are thus notified, they offer to pay according to the provisions of this act for the damage committed, which, if the person or persons injured refuses to accept, and brings suit, and fails to recover more than the amount tendered, he shall pay all costs.

§ 2. The provisions and penalties of this act shall not apply to any person who may be driving stock from one place to another in Kenton county.

§ 3. This act shall be submitted to the qualified voters of the fourth and fifth magisterial districts in Kenton county, by the voting precincts, on the first Monday in August, one thousand eight hundred and eighty-four; and each precinct wherein a majority of all the votes cast at said election shall be in favor of this law, then this law shall be in force and effect in such precinct; but in that precinct wherein

a majority shall vote against the law, then in that precinct it shall be null and void: *Provided*, That if any stock-owner in a precinct or precincts that does not adopt this law shall commit depredations within a precinct or precincts which shall have adopted this law, then and in that event the owners of such stock shall be liable for all the pains and penalties provided for in this act.

§ 4. It shall be the duty of the officers of the election to be held on the first Monday in August, one thousand eight hundred and eighty-four, to open a poll at the voting precincts in the fourth and fifth magisterial districts, in Kenton county, and to propound to each voter who may vote at said election the question, "Are you for or against a stock law?" and register his vote in accordance with his response to said question, if he desires to vote thereon. The vote shall be certified and returned, examined and compared, as they are required to be in elections for State and county officers; and if it shall appear by the certificate of the examining board that a majority of those voting voted in favor of a stock law, then the provisions of this act shall take effect in each precinct wherein a majority of the votes cast shall be in favor of a stock law. The provisions of this act shall take effect and be in force in that precinct or precincts wherein a majority have voted for a stock law from and after the first day of October, one thousand eight hundred and eighty-four. It shall be the duty of the examining board to make out a certificate, under oath, of the votes cast in each precinct for and against the stock law, and deliver the same to the presiding judge of the county court of Kenton county, who shall cause the same to be entered of record by the county court clerk of Kenton county.

§ 5. It shall be the duty of the sheriff of Kenton county, at least thirty days before the day upon which this law is to be voted upon, to advertise, in at least three public places in each voting precinct in the fourth and fifth magisterial districts, in the county of Kenton, that a vote will be taken on the first Monday in August, one thousand eight hundred and eighty-four, for or against the stock law.

§ 6. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 626.

AN ACT incorporating the trustees of the Presbyterian Highland Church, of Louisville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. C. Nones, John E. Norris, J. A. Larrabee, W. B. Fleming, and A. A. Wheeler, and their successors in office, are hereby created a body-politic and corporate, by the name and style of the trustees of the Highland Presbyterian Church, of the city of Louisville ; and by said name to have perpetual succession, and full power to purchase, take by devise, bequest, gift, deed, or otherwise, any real or personal estate or property, and hold same for the use and benefit of said church, according to the discipline thereof, and also full power and authority to sell, convey, mortgage, or encumber said property, or any part or portion thereof, so acquired, purchased, or received hereafter, or now owned or held by said church ; and this when and as often as in the opinion of said trustees shall be considered for the use, benefit, convenience, comfort, or advantage of said church ; and to exercise all the power or powers necessary for, and incident to, religious corporations, not inconsistent with the Constitution and laws of this State or of the United States ; and by that name may contract, be contracted with, sue and be sued, plead and be impleaded, in any of the courts of this Commonwealth. But the powers herein conferred shall not be exercised in contravention of any deed or instrument under which property or deeds may be conveyed to or placed in the hands of said corporation.

§ 2. The said trustees and their successors shall continue in office until their successors are elected and appointed, which shall be done according to the discipline and usage of the said church now worshiping at Louisville, or in such manner as may by said church be hereafter fixed ; and said trustees and their successors so elected shall hold until their successors are appointed and qualified ; and all vacancies may be filled, from time to time, as they may occur ; a majority of said trustees shall constitute a quorum to do

business; and all contracts, deeds, mortgages, pleadings, and every other instrument of writing necessary to be executed by said trustees, shall, at the instance of said trustees, be signed or acknowledged by such chairman and secretary only, with the same effect as if signed or acknowledged by each and every member thereof; and said trustees shall keep a true and correct record of their proceedings, which shall be at all times open to the inspection of the members of the church.

§ 3. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 627.

AN ACT to authorize the board of trustees of the town of Williamsburg, in Whitley county, to borrow money for the improvement of the streets of said town, and the payment of the ordinary expenses thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Williamsburg, in Whitley county, be, and same is hereby, authorized to borrow, from time to time, such sums of money as may be necessary for the purposes named herein, not to exceed at any time an aggregate indebtedness of ten thousand dollars (\$10,000), at a rate of interest not exceeding six per centum per annum, to be used for the improvement of the streets and roads of said town, and to pay the ordinary expenses thereof. Said board of trustees shall execute the written bonds or obligations of said town to the lender for such sums as may be borrowed from each lender, due and payable within ten years after date, or within any less time that may be agreed on. Said bonds shall be signed by the chairman of the said board of trustees, and countersigned by the clerk thereof, and may be assigned and transferred so as to vest the right to same in the assignee, in the same manner and to the same extent that promissory notes are assigned.

§ 2. The said board of trustees shall provide for the payment of sums of money borrowed under the provisions of

this act, and the interest thereon, out of the ordinary revenues of said town, at such times and places as may be agreed on by the said board and the lender in each case.

§ 3. The said board of trustees shall not exercise the power conferred by this act in any case, unless a majority of the members in office be present and consent thereto, which fact must in all cases appear in the journal of their proceedings.

§ 4. This act shall take effect and be in force from and after its passage.

Approved April 4, 1884.

CHAPTER 629.

AN ACT to authorize and empower the Livingston county court to levy an ad valorem tax to repair and build bridges in said county.

WHEREAS, The recent high water has done great damage to the bridges, and destroyed some in the county of Livingston; for the purpose of enabling the said county to raise the money to repair and rebuild said bridges, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Livingston county, a majority of the justices of the peace of said county being present and concurring therein, be, and is hereby, authorized and empowered to levy at each annual session an ad valorem tax of not exceeding ten cents on each one hundred dollars' worth of taxable property in said county for three years; and the money, when so raised, to be used in building and repairing bridges in said county.

§ 2. It shall be the duty of the sheriff of said county to collect said taxes, and for collecting same he shall be allowed the same commission now allowed him by law for collecting the revenue tax; but before he shall proceed to collect the tax provided for in first section of this act he shall execute bond, with good and approved surety or sureties, in the said Livingston county court, for the faithful performance of his duties in collecting, accounting for, and paying over the said taxes in due time, as the said county

court may direct; and for any violation of said bond suit may be instituted in the Livingston circuit court.

§ 3. The first levy of said tax, as provided for in section one of this act, may be made at any time during this year, and for that purpose the presiding judge of the said county court may at any time call the justices of the peace of said county together.

§ 4. This act shall take effect and be in force from its passage.

Approved April 4, 1884.

CHAPTER 630.

AN ACT to prohibit the sale, loaning, or giving away of any spirituous, vinous, or malt liquors, or a mixture of either, in the town of Rolly, or within three miles thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall hereafter be unlawful for any person or persons to sell, loan, or give away any spirituous, vinous, or malt liquors, or any mixture of either, in the town of Rolly, in Adair county, or within three miles thereof, in any quantity less than ten gallons at any one time.

§ 2. It shall be unlawful for any druggist to sell, loan, or give away any spirituous, vinous, or malt liquors, or any mixture of either, except upon the written prescription of a regular practicing physician, naming the disease for which such prescription is given, and stating the amount needed, which in no case shall exceed one pint at any one time. Said prescription shall be dated, and kept filed away with the druggist for inspection by any court so desiring.

§ 3. That any person violating any of the provisions of this act shall, upon conviction, be fined the sum of fifty dollars for each offense, to be recovered by indictment of the grand jury, or warrant of any court of competent jurisdiction.

§ 4. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 631.

AN ACT to amend the charter of the town of Eddyville, and extend the boundaries of said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the corporate limits of the town of Eddyville, in Lyon county, are hereby extended so as to include within said town the lands adjacent thereto, on the south side thereof, and bounded as follows: Beginning at the southeast corner of said town; running thence upon a straight course to the Eddyville and Princeton road, at the west corner of the pauper farm; thence across said road to the south side thereof; thence with the south side of said road to the southeast corner of the Granville Withers lot; thence at right-angles from said road to the Cumberland river; thence down said river to the boundary of said town; thence with said town boundary to the beginning; also the lands adjacent to said town on the north side thereof, and bounded as follows: Beginning at the northeast corner of said town; running thence from said town, with the course of the back line thereof extended, to a stake on the top of the south bank of Lick creek; thence with the top of the south bank of said creek to the Cumberland river; thence up said river to the boundary of said town; thence with said town boundary to the beginning.

§ 2. The territory thus annexed to said town shall, for all purposes, be considered parts thereof, and shall, except as otherwise herein provided, together with the citizens thereof, be subject to its laws, liabilities, rules and regulations, as though originally embraced within its corporate boundary; and its citizens shall be entitled to the same privileges.

§ 3. Such parts of the public roads as are included within the corporation of said town as thus extended shall be streets of said town, and shall be kept in good condition, under the supervision of the trustees thereof, as other streets are required to be kept. Said trustees may cause other streets to be opened and kept in like good condition in said territory annexed to said town, as the convenience of the citizens of same may require; and may acquire the

right of way for such streets by donation or purchase, or may cause such right of way to be condemned by proceedings in the Lyon county court by writ of *ad quod damnum*, similar to proceedings for the condemnation of public roads; and said streets shall be named by said trustees.

§ 4. Said trustees shall cause said additions to said town to be surveyed, and a plat of same to be recorded in the office of the clerk of the county court of Lyon county within three months from the approval of this act. Said trustees may lay off into lots, and number same, such portions of said annexed territory as they may desire. The lands thus annexed shall not vest in said trustees, but the title to same shall be unaffected by said extension of the corporation of said town.

§ 5. The inhabitants of said town, both those within the original corporate limits and those included within said additions to said town, who are subject to road duty, may, by the county court of said county, be assigned to work upon the public road leading from Eddyville to Fredonia, for a distance of two miles from the corporate boundary of said town as extended, and upon the public road leading from the eastern terminus of Main street in said town to its intersection with the last named road at the Stubbs place: *Provided*, So long as the citizens of said town may, by said county court, be assigned to work upon the said two roads for the distances named above, they shall not be assigned by said court to work upon any other public road on the outside of the corporation of said town as extended.

§ 6. No lands used exclusively for farming purposes, situated within said extensions to said town, shall be subject to taxation therein, except that the buildings on such farming lands including not less than five (5) acres of land surrounding same, shall be subject to taxation in said town.

§ 7. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 632.

AN ACT to amend the charter of the German Protestant Orphan Asylum Society, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the German Protestant Orphan Asylum Society, of Louisville, approved on January ninth, one thousand eight hundred and fifty-two, be so amended that the aforesaid corporation, for the purposes of protection of the person and property of any child or children committed to its care, is hereby invested with all the rights of a parent or guardian, and shall have entire control of the orphans and destitute children under its care, with power and authority to accept a surrender in writing by the father, and when there is no father, or where he has abandoned his family, by the mother or by the guardian of any child or children being minors and unmarried—to the care and custody of said corporation, and to bind out to any suitable person, by written articles of indenture, signed by the board of trustees, or by the president of said corporation, any child so surrendered until they arrive at the age of twenty-one years : *Provided*, That any parent or guardian who shall have surrendered such child, shall have liberty to receive said child again at any time before such child shall be bound out as aforesaid, upon paying to the treasurer of said corporation the amount expended in the care, maintenance, and education thereof.

§ 2. The board of trustees, or the president of said orphan asylum, shall have the right to apprentice or put to service, for a term of one or more years, any of the inmates of the aforesaid asylum, upon such terms and conditions, signed by the board of trustees or by the president of said corporation, not inconsistent with the laws of the Commonwealth, as in their or his judgment the welfare of the inmates may require.

§ 3. The person to whom such inmate may be apprenticed or put to service shall report quarterly the condition and conduct of the apprentice to the president of the asylum, and should the party to whom such apprentice may be

bound fail to comply with the terms of the indenture, or requirements of this section of the amended charter, the board of trustees, or the president of said corporation, may cancel said indenture, and receive the apprentice or child again into said asylum.

§ 4. The county court of Jefferson county and the Louisville chancery court shall have jurisdiction and power, on complaint made, to investigate the condition or treatment of any child or children of said asylum, and to review, correct, or cancel any articles of apprenticeship that may be entered into under this act, if, upon investigation, such court should deem it advisable and just.

§ 5. This act shall take effect from the day of its passage.

Approved April 4, 1884.

CHAPTER 633.

AN ACT to define who shall sell drugs and medicines in Larue county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to engage in the sale of drugs and medicines, or to compound prescriptions of physicians in the county of Larue, who has not obtained a diploma from some regularly chartered school of pharmacy in this State or elsewhere: *Provided*, That persons who have been heretofore engaged as long as two years in the sale of drugs and medicines, and compounding and filling prescriptions of physicians, either as a clerk or proprietor of a drug store, may continue to do so without being subjected to the penalty denounced by this act.

§ 2. Before any person shall sell drugs and medicines in the county of Larue, he shall have recorded his diploma in the county court clerk's office, or shall make an affidavit that he has been engaged for two years in the sale of drugs and medicines, and compounding prescriptions, which affidavit shall be recorded in said clerk's office. The clerk shall be entitled to a fee of fifty cents for recording same, which shall be paid by the person at whose instance the same is done.

Any person violating the provisions of this act shall be fined not less than twenty-five dollars, nor more than one hundred dollars.

§ 3. This act shall not apply to regular practicing physicians in said county.

§ 4. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 634.

AN ACT amending the charter of the town of Prestonsburg, approved March eighteenth, one thousand eight hundred and seventy-eight.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act revising and amending "An act, entitled 'An act to incorporate the town of Prestonsburg,' " approved March ninth, one thousand eight hundred and sixty-seven, and amendments thereto, reducing them into one, approved March eighteenth, one thousand eight hundred and seventy-eight, be, and the same is hereby, amended as follows: That where a vacancy shall occur in the office of town marshal or police judge of said town by removal, resignation, death, or otherwise, the same shall be filled by appointment by the board of trustees of said town until the next regular election, or until a successor is elected and qualified; the person so appointed taking the same oath and executing the same bond as if elected at a regular election, and being likewise responsible upon his official bond.

§ 2. That the board of trustees of said town are authorized and empowered to sell and convey the cross streets on the west side of Main street in said town, as shown on the town plat, and apply the proceeds to the improvement of the streets or pavements of said town.

§ 3. That the board of trustees of said town shall have the power, and are hereby authorized, to pass an ordinance or by-laws requiring the owners of lots fronting on Main street, and also the owners of lots fronting on the east side

of Second or Back street in said town, to lay and keep in [repair] good sidewalks, at least four feet wide in front of their said lots, out of brick or stone, by the first day of July, one thousand eight hundred and eighty-four. Should any owner of any of the lots above named fail or refuse to pave said streets in front of their said lots after the time above fixed, then the board of trustees of said town shall cause said pavement or sidewalk to be made, and the cost thereof shall be a lien upon said lot so paved, to be enforced by suit in the name of the trustees of said town in equity as other liens upon other real property are enforced by existing laws.

§ 4. The board of trustees of said town shall have the right to appoint a street commissioner, who shall, together with the male citizens of said town between the ages of sixteen and fifty, keep the streets of said town in repair, and cleanly and free from obstructions; and said board of trustees shall have the right to pass by-laws punishing said commissioner for any failure of duty, by fine not exceeding fifteen dollars for each offense; and punishing each person liable to work upon said streets, as hereinbefore provided, for failing to attend and work when notified by said commissioner two days before the day of working, at least the sum of two dollars and fifty cents for each day he so fails to attend and work, without a good excuse.

§ 5. The board of trustees of said town may cause the streets of said town to be opened up by said street commissioner to their regular width; and in order to do so, said commissioner shall remove all obstructions from said streets.

§ 6. This act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 635.

AN ACT to amend and reduce into one all the acts relating to the town of Belle Point, in Franklin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all that portion of Franklin county, Kentucky, embraced within the following described boundary, be, and

Style.

Boundary.

the same is hereby, incorporated, under the name and style of the Town of Belle Point, viz: Beginning at a point on the line of the Louisville and Nashville Railroad, formerly known as the Louisville, Cincinnati and Lexington Railroad, near the northwest corner of the cooper shops owned by The E. H. Taylor, Jr., Company; thence north, fifty-one degrees fifty-seven minutes east, in a straight line, which, if extended, would strike the center of the smoke-stack of the Carlisle distillery, to low water-mark on the west bank of Kentucky river; thence south, with the meanders of said river, to the bridge across Benson creek, crossing said creek with said bridge, and thence with the southeast boundary of the turnpike road leading from said Benson Bridge to the western end of the railroad bridge; thence with said railroad to the beginning. But nothing in this charter shall be construed to conflict with any jurisdiction that the Government of the United States or the city of Frankfort may have over any territory on the western bank of the Kentucky river: *Provided*, That no lands included within the limits of said town that are used for general agricultural, horticultural, or pasture lands, shall be taxed for town purposes until said property shall be laid off into town lots, streets, and alleys.

Oath.

§ 2. That the government of said town shall be vested in a board of five trustees, who shall be styled the Board of Trustees of the Town of Belle Point; and by that name shall have perpetual succession, and may contract or be contracted with, sue or be sued, plead or be impleaded, in all courts and places; and may have and use a common seal, and change or alter same at pleasure. Said trustees shall be elected annually on the first Monday in August, and shall hold their offices until their successors are elected and qualified. The board of trustees in office at the date of the passage of this act shall continue in office until their successors shall be elected and qualified. Before entering upon the discharge of their duties under this charter, all officers elected or appointed hereunder shall, before some officer authorized to administer the same, take an oath that

they will well and truly discharge all duties devolving upon them.

§ 3. That the board of trustees and their successors shall have power and authority to take, receive, and hold real, personal, and mixed estate, by purchase, devise, bequest, or donation, for the use and benefit of said town; and may use, appropriate, lease, or sell and convey, by deed or mortgage, any real, personal, or mixed estate, which may be so taken, purchased, or received by them, or which is now held by or has been conveyed to said board of trustees, in such manner and upon such terms as they may deem expedient. Three members of said board shall constitute a quorum for the transaction of any business.

May own property.

Quorum.

§ 4. That the legal title to all the streets and alleys in said town, whether the same are now open and laid out or shall be hereafter opened and laid out, under the provisions of this charter; also the legal title to all the real, personal, or mixed estate which now does or may hereafter belong to said town, with all the rights, privileges, and appurtenances thereunto belonging, shall be, and the same is hereby, vested in said board of trustees and their successors in office; and they shall have full power and authority to maintain and carry into judgment and execution any action or actions of trespass for any injury done to same, and may in like manner maintain and carry into judgment and execution any other appropriate action or actions, at law or in equity, for the recovery of their property or for damages for the detention, taking, injury, or destruction of same, and the same process may issue, and execution be awarded, as are applicable by law to suits by private individuals.

Legal title to streets and alleys

§ 5. That said board of trustees shall have the right and authority to determine the width of all streets and alleys either now open or that may be opened hereafter under the provisions of this charter. Whenever in the judgment of the board of trustees the convenience and best interests of said town demand or require that a new street or alley should be opened, or an old street or alley widened, said trustees, or a majority of them, shall view the route of the pro-

May condemn land for streets and alleys.

Mode.

posed street or alley or the proposed alteration, and shall report in writing the metes and bounds of said proposed street or alley or alteration, and the general courses and distances of same; they shall report the conveniences and inconveniences which will result as well to individuals as to the public or town from the opening of said street or alley or alteration. Said trustees shall report the names of the proprietors and tenants of the land over which a street or alley or an alteration in a street or alley is proposed to run. The county court of Franklin county may, if requested, direct the surveyor of the county to attend said trustees and make out and return a map or diagram of the streets, alleys, or alterations proposed, and to report such other facts touching the matter as any party may require. Said trustees shall lay said report before the county court, and it shall be treated as an application for opening a street or alley or altering same, and shall be entitled to the same legal consideration as the report of viewers appointed by said court, and no viewers shall be appointed by order of court for the purpose of opening or altering any street or alley. Said trustees may amend their report, if they so desire, at any time before final action thereon. Upon the report of said trustees the county court shall proceed in the same manner as under the general laws relating to condemnation of lands for roads and passways they now proceed upon the report of viewers, and may award a writ of *ad quod damnum* to be tried in the same manner. Under the judgment rendered in any proceeding for opening or altering streets or alleys, said town shall be required to pay a just compensation to each land-owner for the land proposed to be taken, and the additional fencing which will be thereby rendered necessary, and the damage to the residue of the tract beyond the peculiar benefits which will be derived to such residue from opening or altering said streets or alleys. Said town shall also be required to pay the legal costs of such procedure. A street or alley may be opened or widened through an orchard, building, or yard upon making compensation to the owner for all damages sustained. But nothing in this charter shall be construed to prevent the trustees of said town from opening or altering

a street or alley without application to the county court, by the consent of all lot-owners concerned.

§ 6. That the board of trustees of the town of Belle Point shall have the power and authority to clear the streets, alleys, sidewalks, and passways in said town of all obstructions; they shall have power and authority to cause the owners and occupiers of property fronting on streets, alleys, or pavements in front of them free from obstructions, dirt, or filth, or may cause said obstructions, dirt, or filth to be removed; and may collect the charges of said removal from the owners or occupiers of such property by warrant in the name of the board of trustees, before the police judge of said town, or any justice of the peace having jurisdiction, or they may impose fines and penalties upon any one who shall fail to obey the requirements of this section. Said fines and penalties to be recovered by warrant before the police judge, or any justice of the peace having jurisdiction.

May remove obstructions.

§ 7. That the board of trustees of the town of Belle Point shall have the power, from time to time, to direct and require the owners of lots or parts of lots in said town fronting on any street or alley to cause suitable sidewalks in front of their respective lots or fractions of lots to be graded, curbed, and paved in such manner, with such materials, of such width, and at such elevation, as the board may deem expedient; also to repair the same in such mode and manner, and at such time as the board may think fit. If the owner or owners of such lot or lots, or fractions of such lot or lots, fail or refuse to have the sidewalks repaired, paved, graded, curbed, or finished within the time, and in the manner prescribed by the board of trustees, it shall be lawful for said board to have the same done, and all costs and charges expended or incurred in the execution of such work shall be taken and be a tax upon said lots and fraction of lots, and the owners thereof respectively, in proportion to the amount which the whole improvement made under such order bears to the length in front of said lots or fractions of lots respectively, not to exceed in expense twenty per cent. of the value of the property before

May have streets and sidewalks paved & graded.

which the paving is done, which, when ascertained and determined as the said board of trustees may, by order or ordinance now in force, or hereafter to be passed, provide, shall be listed with the marshal of said town, and collected as other taxes. Notice of such order or direction for constructing, repairing, grading, paving, macadamizing, or curbing streets, alleys, sidewalks, or gutters shall be given by publication in the newspaper of the Public Printer, for the time being, for one month, by successive weekly publication therein, or by printed notice set up at the bridge across the mouth of Benson, and at five other public places in said town, one month previous to the time fixed for the completion of such work, and a copy of such order or direction, if published in the newspaper aforesaid, accompanied with the affidavit of the Public Printer that the same has been duly published as herein provided, or a copy of such printed notice, accompanied by the affidavit of the marshal that he posted the same as required by this section, may be recorded in the clerk's office of the Franklin county court, and shall be *prima facie* evidence that said order or direction was given, and publication made as required by this act, and attested copies of the same may be used on the trial of any cause, and shall have the same force and effect as other attested copies now authorized by law.

May remove nuisances.

§ 8. That said board of trustees shall have power to prevent, abate, and remove nuisances at the cost and expense of the owners or occupiers, or of parties upon whose grounds they exist, and to define and declare by ordinance what shall be a nuisance within the limits of said town, and to punish by fine any person for keeping, causing, erecting, or committing a nuisance; and said board shall have the right to pass all laws necessary to regulate the sanitary condition of said town.

May levy taxes.

§ 9. That the board of trustees shall have power and authority to assess annually, levy, and collect a tax not exceeding one dollar on the one hundred dollars' worth of property on all real estate within the limits of said town, and all bank stocks, bridge stocks, manufacturing stocks, or any other kinds of stocks, money, notes, or bonds of cities,

towns, corporations, or States, choses in action, and all personal estate of every kind belonging to citizens of said town that are now subject to taxation for general State revenue purposes, and may levy and collect the same tax on any capital or other property belonging to any other corporation or citizen of any other place employed in said city; and they may also levy and collect a poll-tax of not exceeding three dollars each on all male persons within said town over the age of twenty-one years, which shall be in lieu of poll-tax for county purposes. They may prescribe the time and mode of taking the lists of taxable property for town purposes, and of ascertaining the value thereof, and of correcting the lists of valuation of the assessor, and may fix penalties for refusing to list or giving in a false or fraudulent list; and may prescribe an oath, to be administered by the assessor, to all persons giving in lists of property. The clerk of the board of trustees shall, within the time prescribed by the board, not later than the first of June in each year, record in a book, to be kept by him for that purpose, the assessor's list, with any corrections that may have been made therein by the board; and said lists, when thus recorded, copies thereof, attested by said clerk, shall be received in evidence in any court, and shall be *prima facie* evidence that the assessor complied with all the duties required of him by law; and shall also be *prima facie* evidence that all the laws in relation to the fixing and adjustment of taxes have been regularly complied with by the board of trustees and other town officers. The board may tax all theatrical performances, shows, and exhibitions of all kinds, in any sum not exceeding ten dollars for such exhibition or show in any one day. They may tax all auctioneers and peddlers in a sum not exceeding five per cent. on the gross amount of sales for all goods, wares, and merchandise and articles sold within said town, except property sold by citizens of their own manufacture, or by order of court, or by executors, administrators, or guardians, and shall have a lien on the article sold or to be sold for such tax until the same is paid, or the person selling the same takes out license for that purpose. They shall have the

Poll-tax.

Clerk to record
tax-listsMay tax shows,
exhibitions, &c.May tax peddlers
and auctioneers.

Lien.

May license
drays, wagons,
&c

Lien for taxes.

To license stores.

May license bill-
iard-saloons, &c.

May license liv-
ery stables, &c.

General powers

power to tax and require to be licensed all drays, wagons, carts, hacks, coaches, and baggage-wagons plying in said town for hire. They shall have a lien on all real and personal estate in said town until all taxes due by the owners thereof are paid; and all such property shall be liable to be sold, or so much thereof as will pay such taxes and costs of sale. They shall have power and authority to levy and collect a license tax on all stores, both wholesale and retail, not exceeding fifteen dollars on each per year. They shall have the right to tax, and the exclusive right to license, all billiard-saloons, bowling-alleys, and houses of public resort, excepting gambling-houses, houses of ill-fame, and saloons and places for the sale of spirituous, vinous, or malt liquors. Said board shall have the power to license all livery stables and sale stables, blacksmith shops, saw-mills, and cooper-shops, in any sum not exceeding fifteen dollars each per year. The board of trustees may fix a time within which all taxes and assessments due the city shall be paid to the treasurer, and if not paid by that time, may cause the same to be listed with the marshal or other proper officer for collection, and may add to the amount due in each case the expense of such collection, not exceeding ten per cent. on the amount so due, unpaid, and listed as aforesaid; and if a levy and sale are required, the cost thereof shall also be added: *Provided*, That the provisions of this act shall in nowise change the mode of listing merchandise in said town for State and county revenue, or the collection of the tax thereon.

§ 10. Said trustees may exercise and possess all the powers and privileges which, by the general laws of the land in relation to towns and cities, are granted to trustees or councilmen, and shall have full power and authority to make all the necessary by-laws, rules, ordinances, and regulations for the purpose of carrying into effect the powers granted in this act, and also such as may be necessary for the comfort, cleanliness, good order, and security and protection of persons and property, and may enforce the same by adequate penalties, to be recovered in their name by warrant before the police judge or any justice of the peace, or in any court

of competent jurisdiction: *Provided*, The same are not contrary to the Constitution and laws of the land. All process for a violation of a by-law, rule, or ordinance of said board shall run in the name of The Commonwealth of Kentucky, for the benefit of the board of trustees of the town of Belle Point, and all fines, penalties, or damages collected for a violation of same shall be paid to the treasurer of said town for the use of said town; but said trustees or town shall not be liable to any officer for his fees or costs of any prosecution, unless the same shall have been collected and paid over to the treasurer of said town.

Style of process.

Not liable for officers' fees.

§ 11. That if, on or after the first day of August in any year, there be due and unpaid any tax or taxes on any lot or fraction of a lot in said town, which tax or taxes may be imposed by virtue of this act, or any law which hereafter may be adopted, it shall be the duty of the board of trustees of said town to cause to be published in some newspaper published in Frankfort a list of all the lots and fractions of lots on which such tax or taxes may be due and unpaid, and also the amount due and unpaid upon each lot and fraction of lot respectively, for one month, by successive weekly publications; and they shall also state, in a note appended to said list, the day or days on which said lots or fractions of lots, or so much of each as may be necessary to discharge and pay off the tax or taxes due thereon respectively, will be sold; and a copy of said list as published, accompanied by the affidavit of the printer that the same has been published agreeably to the provisions of this act, shall be recorded in the clerk's office of the Franklin county court, and when so recorded shall be *prima facie* evidence that said publication was made as prescribed by this act; and an attested copy of the same may be used on the trial of any cause, and shall have the same force and effect of other attested copies as now authorized by law. If the tax or taxes thus due and advertised upon the lots or fractions of lots be not paid on or before the time thus appointed for the sale, it shall be the duty of the marshal to expose to sale, on the day or days so appointed, the lots or fractions of lots on which said tax or taxes remain due

Sales for taxes.

Marshal to convey title.

Redemption.

They may purchase at tax sale.

May enforce lien

May re-assess property.

May appoint a clerk.
Duties.

and unpaid, or so much of each as may be necessary to pay the tax or taxes due thereon, to the highest bidder. The sale shall take place at the court-house door in Frankfort; and in case of a sale, it shall be the duty of the marshal to convey the lots or fractions of lots so sold to the purchaser or purchasers, and his deed thus made shall pass the title to the property: *Provided, however,* That the same may be redeemed at any time within two years by the original owner or owners, or his or their heirs or assigns, by paying the purchaser or his heirs or assigns the amount of the purchase money, with interest thereon at the rate of thirty per centum per annum from the date of such purchase, and all costs and charges incurred by virtue of such sale, including an equal pro rata of the costs of advertising as herein provided, which may be added to the amount of taxes due when such advertisement is required: *And provided also,* That infants and *feme covert*s, and persons of unsound mind, shall have two years after their several disabilities are removed to redeem their lots or fractions of lots sold as aforesaid. Said board of trustees may provide by ordinance a mode and manner whereby they may become purchasers of property sold for taxes as herein provided; and said board, as purchaser of said property, shall have all the rights and privileges thereto as natural persons. Said board of trustees may enforce its lien on any property for taxes, dues, and demands in said town, by equitable actions in the Franklin circuit court.

§ 12. That said board of trustees may re-assess all property upon which taxes and demands have been due and payable to said board of trustees for not more than five years next preceding the passage of this act; and all proceedings for the collection of said taxes and demands shall be the same as herein provided for other taxes and demands.

§ 13. That said board of trustees shall, at their first regular meeting after their election, and annually thereafter, appoint a clerk of said board, whose duty it shall be to preserve the books, papers, records, and everything belonging to his office, and to deliver the same to his successor. He shall keep a regular journal of the proceedings of

the board, and a regular account of the fiscal concerns thereof. He shall file and preserve the poll-books of all town elections, and shall record the acts, resolutions, orders, and ordinances of the board, and the assessment of property for taxation for town purposes, after the same shall have been finally corrected and adopted by the board. He shall keep and preserve all records, bonds, agreements, contracts, and other papers relating to the interests of said town, except his own bond, which shall be in the custody of the treasurer. He shall copy and sign all resolutions, orders, claims, and allowances, when required to do so by persons having claims against the town treasury. He shall make out a fair list of the persons and property liable for taxes, with the amount due by such persons, or on such property, in alphabetical order, and place the same in the hands of the marshal or treasurer at such time in each year as the board may require. He shall also keep a correct record of all delinquent taxes, and reports of sales and conveyances, as may from time to time be required by said board, and shall do and perform such other duties as the board may require of him. Said clerk shall hold his office until his successor is appointed and qualified, and shall receive such compensation as may be fixed by said board.

§ 14. There shall be annually elected, on the first Monday in August, by the qualified voters of said town, a marshal, who shall hold his office until his successor is elected and qualified, and shall possess all the power and authority possessed by constables, and shall proceed in the same way and be subjected to all the responsibilities of such officers, and shall have authority to execute all process, writs, or notices issued by the police judge of said town, or by order of said board, anywhere in Franklin county. He shall have power and authority within the county of Franklin to collect the taxes, dues, and demands of the town of Belle Point, in the same manner that sheriffs have to collect the county levy and State revenue, and shall perform such other duties and receive such compensation as said board may fix or are herein set forth.

Marshals

Duties.

Police judge. § 15. There shall be annually elected by the qualified voters of the town of Belle Point, on the first Monday in August, a police judge, who shall be styled police judge of Belle Point, and shall have all the civil and criminal jurisdiction possessed by justices of the peace under the general laws of this State; he shall have jurisdiction of all cases for violation of any ordinances or by-laws of said town. His jurisdiction shall be co-extensive with Franklin county, and the civil terms of his court shall be fixed by an order of the Franklin county court. He shall be commissioned by the Governor upon a certificate of his election, signed by the clerk of said board, being presented to the Governor, and shall qualify by filing his commission with the clerk of the Franklin county court, taking the constitutional oath, and executing bond to the Commonwealth of Kentucky, with good security, conditioned for the faithful discharge of his official duty. He shall hold his office until his successor is elected and qualified, and shall receive the same fees as justices of the peace for similar services, and such other fees as may be determined by the board of trustees.

To be commissioned. § 16. That the Franklin county jail may be used by the town of Belle Point as a watch-house; and the jailer of Franklin county is authorized to receive into said jail any person committed thereto upon a mittimus issued by the police judge of said town; and he may receive into said jail any person arrested by any police or other peace officer of said town between the hours of ten o'clock afternoon, and six o'clock forenoon, without such mittimus; but every person thus arrested shall be carried before the police judge or other competent authority for trial or for examination of the charges against him at the earliest practicable hour after such arrest. The town of Belle Point shall pay the costs of keeping prisoners committed under this act.

May use jail. § 17. That said board of trustees of the town of Belle Point shall annually, as soon as they have qualified, elect a city attorney, who shall be the law officer of said board, and whose duty it shall be to attend on the behalf of said town to all suits, motions, and prosecutions by or against said town, and to give advice when called upon by any offi-

City attorney.

Duties.

cer of said town as to his official duty, and to perform such other services as the board may require of him. He shall receive for his services such compensation, either by way of salary or part of fines imposed, as the board shall deem reasonable.

§ 18. That said board of trustees shall adopt or have made a true and correct plat of said town, showing all the streets and alleys in said town, and shall have the same recorded in the Franklin county court clerk's office. They shall also have recorded in like manner all changes that may be made in said streets or alleys; and certified copies of said records shall be received as *prima facie* evidence of the facts therein shown in all courts and places whatsoever.

May adopt plat of town.

To be recorded.

§ 19. Said board of trustees shall have power and authority to appoint an assessor, a treasurer, and collector of taxes, demands, and dues of said town. Said collector may have all powers herein granted to the marshal concerning the collection of all taxes, dues, and demands, and be subject to the same penalties and obligations. Said board may appoint all other officers, agents, policemen, and servants as they may think proper, prescribe their duties, and fix their compensation. Said board of trustees may require all officers or servants elected or appointed under the provisions of this act to execute to them bonds, with such conditions as they may prescribe, and said bonds may be enforced in any court of competent jurisdiction.

Have power to appoint treasurer and other officers

Bonds.

§ 20. That it shall be unlawful for any person to sell any spirituous, vinous, or malt liquors, or the mixture thereof, in the town of Belle Point, in Franklin county, in quantities less than one gallon; and any person so offending shall be fined in a sum not less than ten dollars or more than fifty dollars, to be recovered by an action in the name of the Commonwealth, upon a warrant issued by any justice of the peace of the district in which said town is situated, or by the police judge of said town.

Spirituous liquors.

Penalty.

§ 21. Said board of trustees shall have power to appoint all officers of elections to be held under this charter, and prescribe their duties as such.

May appoint officers of election.

§ 22. All acts and parts of acts in conflict with this act are hereby repealed; and this act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 636.

AN ACT empowering the chairman of the board of trustees of the town of Blandville to convey by deed certain real property in said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the chairman of the board of trustees for the town of Blandville, in Ballard county, Kentucky, be, and he is hereby, empowered to convey by deed the property known as the Seminary lot, in the town of Blandville, to the chairman of the board of trustees of common school district number twenty-four, in said county.

§ 2. This act shall be in full force and effect from and after its passage.

Approved April 3, 1884.

CHAPTER 637.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Tompkinsville, Monroe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section five in article two of an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Tompkinsville, Monroe county," be amended by inserting therein, before the word "year," the word "two," so as to read every two years thereafter; and in section six of said article strike out the word "annual," and in section twelve of said article strike out the words "and be entitled to like pay as officers at State elections," and insert in lieu thereof these words: "and they shall each

be entitled to fifty cents per day for their services in holding said election."

§ 2. This act to take effect and be in force from and after its passage.

Approved April 4, 1884.

CHAPTER 638.

AN ACT to authorize the county court of Woodford county to issue bonds to buy and improve a poor farm for said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Woodford county be, and said court is hereby, authorized and empowered to issue the bonds of said county to an extent not exceeding twelve thousand dollars, for the purpose of paying for and improving a farm for a poor-house farm for said county.

§ 2. Said bonds shall be made payable in not less than one nor more than three years from their dates, respectively, and shall bear six per cent. interest per annum from date, payable annually, and shall be signed by the judge of the county court of said county, attested by the county clerk, and have the seal of the county affixed thereto.

§ 3. Said bonds shall be made payable at the office of the county court clerk of Woodford county, at Versailles, Kentucky.

§ 4. That said county is hereby authorized and empowered to levy and collect annually an ad valorem tax, not exceeding fifteen cents on each one hundred dollars' worth of property in said county, for the purpose of paying off said bonds and the interest thereon, which said tax may be levied and collected so long as any of said bonds are outstanding and unpaid.

§ 5. This act shall take effect and be in force from and after its passage.

Approved April 4, 1884.

LAWS OF KENTUCKY.

CHAPTER 639.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in reference to the town of Princeton," approved February twenty-eighth, one thousand eight hundred and seventy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend and reduce into one the several acts in reference to the town of Princeton," approved February twenty-eighth, one thousand eight hundred and seventy, and amendments thereto, be so amended as to abolish the office of town marshal of said town of Princeton.

§ 2. That this act shall be in force from its passage.

Approved April 4, 1884

CHAPTER 640.

AN ACT to establish an additional voting precinct in Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be, and is hereby, established in Kenton county an additional voting precinct, which shall include all the territory within what is known as Central Covington, in said county.

§ 2. That the place of voting in said precinct shall be at or near the Highland Pike House, southeast corner of Pike and Holman streets, in Central Covington.

§ 3. That this act shall take effect from and after its passage.

Approved April 4, 1884.

CHAPTER 641.

AN ACT to amend an act to provide for appointing and electing commissioners for the county of Kenton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section nine of chapter five hundred and seventy-five of an act to provide for appointing and electing

commissioners for the county of Kenton, and defining their duties, and so forth, approved March twenty-seventh, one thousand eight hundred and eighty, be amended by adding, "that the clerk shall receive, as compensation for services herein, five dollars per day for each day actually engaged in keeping a record of the proceedings of said board; and that all fees to which said clerk is entitled for services herein shall be collected and paid to the treasurer of said board."

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 4, 1884.

CHAPTER 642.

AN ACT to amend an act, entitled "An act to incorporate the Flat Rock and Caldwell's Mill Turnpike Road Company," approved March eleven, one thousand eight hundred and sixty-nine, and to change the name of the said road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Flat Rock and Caldwell's Mill Turnpike Road Company, granted by an act of the General Assembly of the Commonwealth of Kentucky, approved March eleventh, one thousand eight hundred and sixty-nine, be, and the same is hereby, amended as follows, to-wit: That the name of the said turnpike road company is hereby changed, and said road shall henceforth be known under the name and style of The Flat Rock and Sharpsburg Turnpike Road Company; and the said company shall have the right and authority to extend its line of road from either of its present termini, to or near the town of Sharpsburg, in Bath county, under the same terms, limitations, and restrictions as now defined in the act to which this is an amendment, approved March eleventh, one thousand eight hundred and sixty-nine.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 4, 1884.

LAWS OF KENTUCKY.

CHAPTER 643.

AN ACT for the benefit of the Clintonville and Thatcher's Mill Turnpike Road, in Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That after the passage of this act the Clintonville and Thatcher's Mill Turnpike Road Company, in Bourbon county, shall have the right to erect and keep a toll-house or gate on the line of its road, at any point between the Paris and Winchester Turnpike Road and the Clintonville depot, on the Kentucky Central Railroad Extension.

§ 2. The said Clintonville and Thatcher's Mill Turnpike Road Company shall have the right to collect tolls at the said gate from all passengers and vehicles, and so forth, at the rates now provided by the General Statutes for the distance traveled, and shall in no event charge twice for any part of the same distance, nor shall they charge for more than the distance actually traveled. For the purpose of preventing double charges, the said company shall prepare and issue tickets to persons going through more than one of the gates on their said road.

§ 3. This act shall take effect from its passage.

Approved April 4, 1884.

CHAPTER 644.

AN ACT for the benefit of C. W. Moorman, sheriff of Breckinridge county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further period of two years from the date of the passage of this act is extended unto C. W. Moorman, present sheriff of Breckinridge county, for the collection of fees due him as sheriff and deputy sheriff of Breckinridge county, during which time he may distrain and use such process for such collection as are provided by law.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 4, 1884.

CHAPTER 646.

AN ACT to amend an act, entitled "An act authorizing the county levy court of Meade county to levy an additional ad valorem tax."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act authorizing the county levy court of Meade county to levy an additional ad valorem tax, approved January twenty-first, one thousand eight hundred and eighty-four, be, and the same is hereby, amended by inserting after the words "eighty-four" the words "eighty-five and eighty-six."

§ 2. This act shall take effect and be in force from its passage.

Approved April 8, 1884.

CHAPTER 647.

AN ACT to incorporate the Eastern Kentucky Coal and Coke Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. H. Brooks, Edward Wheaton, and J. C. Faucett, their associates, successors, and assigns, be, and they hereby are, created a body-corporate and politic, under the name and style of the Eastern Kentucky Coal and Coke Company; and by that name shall have perpetual succession, and be capable of suing and being sued; may have a common seal, and alter the same at pleasure; may have power to contract and be contracted with, and make by-laws for the government of the company, its officers, agents, and employes, in the general conduct and management of the affairs and business of the company, as may be needful and proper, and alter, amend, or repeal the same at will.

§ 2. The capital stock of said company may be any amount not exceeding one million dollars, divided into shares of one hundred dollars each; said stock shall be deemed personal property, and shall be transferable on the books of said company in such manner as may be prescribed by the by-laws thereof. The directors of said company may

receive real or personal property in payment for subscriptions to the capital stock, upon such terms and conditions, and at such valuation as may be agreed upon by the directors, or a majority of them, and the subscribers respectfully; and no stockholder shall ever be held liable or made responsible for its debts and liabilities in a larger sum than the amount of any unpaid balance due to said company for stock subscribed for by said stockholders.

§ 3. The persons named in the first section of this act shall constitute the first board of directors of said company, and may serve as such directors until the first meeting of the stockholders thereof; at such first meeting, and at every annual meeting thereafter, the stockholders shall elect not less than three nor more than seven directors of said company, as may be prescribed by the by-laws thereof, who shall continue in office until their successors are elected and qualified. No one shall be elected a director unless he is the owner of stock in said company at the time of his election. At all meetings of stockholders of said company, stockholders shall be entitled to one vote for each share of stock so held, which may be cast in person or by written proxy. The board of directors shall choose one of their number president, and appoint such other officers and agents of said company as may be prescribed by the by-laws thereof. It shall require a majority, including the president, to constitute a quorum of the board of directors for transaction of business.

§ 4. Said company shall have power to purchase, hold, grant, sell, convey, mortgage, lease, rent, use, acquire, and dispose of any real or personal estate, in this State or elsewhere; may engage in the manufacture of coke, mining and selling coal, and in mining and manufacturing iron and other ores and minerals, timber and lumber, and transporting the same to market; and may erect and build or purchase such buildings, mills, furnaces, engines, machinery, and fixtures as may be needful and proper for the successful operation and prosecution of the business of said company.

§ 5. This act shall take effect from its passage.

Approved April 8, 1884.

CHAPTER 648.

AN ACT to amend an act, entitled "An act to incorporate the Chesapeake, Ohio, and Southwestern Railroad Company," approved January eighteenth, one thousand eight hundred and eighty two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the tenth section of the act, entitled "An act to incorporate the Chesapeake, Ohio, and Southwestern Railroad Company," approved January eighteenth, one thousand eight hundred and eighty-two, be, and is hereby, amended by substituting the words "by first day of October, one thousand eight hundred and eighty-five," in lieu of the words "within a reasonable time after the acquisition of the same."

§ 2. This act shall take effect from and after its passage.

Approved April 8, 1884.

CHAPTER 649.

AN ACT to incorporate the Central Kentucky Exportation and Guaranty Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That T. J. Megibben, G. G. White, William Tarr, Lewis Lebus, S. J. Ashbrook, R. P. Stoll, Joseph M. Kimbrough, M. J. Allen, J. W. Watson, D. L. Moore, Joseph Clark, Thomas Mitchell, Y. H. Cochran, Yates Ferguson, H. H. Peck, and their associates, are hereby incorporated into a company, to be known as the Central Kentucky Exportation and Guaranty Company, with a capital of five hundred thousand dollars, to be divided into shares of one hundred (\$100) dollars each, which capital may be increased at any time by a vote of two thirds ($\frac{2}{3}$) of the stockholders to an amount not exceeding one million dollars. That the company may be organized when one hundred thousand dollars of the capital have been subscribed, and five (5) per centum of the subscriptions paid in, and subsequent subscriptions of stock, and all payments upon subscriptions made after the organization of the company, shall be made in conformity to the by-laws of said company.

§ 2. Said company shall have power to sue and be sued, to implead and be impleaded, to make and use a common seal, and to alter the same at pleasure; to employ agents and others for the transaction of its business; to elect a president, secretary, treasurer, a board of directors consisting of not more than thirteen (13) persons, who shall be stockholders, and such other officers as may be provided for by the by-laws, and that said company shall have power to make the necessary by-laws, rules and regulations, for the government of its officers, agents, employes, and the general management of its business.

§ 3. *Be it further enacted*, That said company shall have power and authority to buy, sell, hold, or export any article or production, and it shall have power and authority to act as the agent of any person or corporation for the sale, transportation, or exportation, and that said company shall have full power and authority to borrow money on its bonds, notes, bills of exchange, or other instruments in writing, and to execute, either as principal or surety, transportation and exportation bonds to the United States, and also said company shall have authority to guarantee the payment and become surety upon the bonds, notes, obligations, or bills of exchange of any person, firm, or corporation.

§ 4. *And be it further enacted*, That said company shall have power and authority to transact business in any of the States or Territories of the Union, and in foreign countries.

§ 5. Private property of the stockholders shall not be liable for debts of the corporation, nor shall the stockholders be individually responsible for corporate debts.

§ 6. This act shall take effect from its passage.

Approved April 8, 1884.

CHAPTER 650.

AN ACT to amend an act to incorporate the General Association of Colored Baptists, of Kentucky, approved the fifth day of March, one thousand eight hundred and seventy-three.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section seven to be so amended as to read, said cor-

poration shall have power to establish a university, and so forth. All other places where the word "college" appears, to be so amended as to read "university."

§ 2. The trustees of said university shall have power to determine, from time to time, the number of departments of study which the university shall comprise, and the relation which each department or group of departments shall sustain to each other and to the whole; to devise, allot, and arrange the distribution of departments, with the designation appropriate to each, and to devise the means required for their effective instruction, administration, and government. They shall also have power to appoint a president, professors, assistants, and tutors, and to determine the salaries, duties, and official relation of each; to remove or suspend from office all incumbents of offices for just cause, and to do all other duties which may be useful for the welfare of the university.

§ 3. Said board of trustees shall have power to adopt such by-laws as they may deem proper, not inconsistent with this act.

§ 4. Said board of trustees shall have power to grant degrees to the alumni of the university, to prescribe the conditions upon which post graduate's honors shall be obtained by the alumni, and to confer such honorary degrees upon the recommendation of the faculty of the university as they may think proper.

§ 5. The trustees shall have power to give a distinct name to the said university by which it shall be known.

§ 6. The board of trustees shall possess a common seal, which shall be attached by the chairman of the board to all certificates, diplomas, honorary degrees, and all public documents emanating from the university.

§ 7. Each Senatorial District in the State of Kentucky shall be entitled to send one properly prepared student to the normal department of said university, free of tuition. Said student shall be selected and appointed by the Senator, and appointment shall be given, where more than one applies, to energetic young men whose means are not large, to aid whom in obtaining a good education these provisions

are especially intended. All such appointees shall retain their appointments in the said normal department of said university during good behavior, or until the normal course is completed. Nothing in this act shall be so construed as to prevent any student from attending the normal department, or any other department, upon such terms as the board of trustees may prescribe.

§ 8. The faculty of the said university shall have power to grant diplomas to any one completing a full course in any other department of the university.

§ 9. State students must be of good moral character, and indorsed by the Senator of the district from which the student comes. When no male student can be found to accept the scholarship, then a female may be selected.

§ 10. All provisions of the charter conflicting with these amendments are hereby repealed.

Approved April 8, 1884.

CHAPTER 651.

AN ACT for the benefit of the justices of the peace in districts numbers one and two, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the justices of the peace in districts numbers one and two, in Mason county, be, and they are hereby, granted the power and authority to hold regular terms of court once a month for the trial of all civil actions within their jurisdiction.

§ 2. That the day of the month on which said terms of court are to be held shall be fixed and decided upon in the manner now prescribed by law.

§ 3. That this act take effect from and after its passage.

Approved April 8, 1884.

CHAPTER 652.

AN ACT to incorporate the town of Clay City.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

§ 1. That all that tract of land contained within the following bounds, to-wit: Beginning at a point on the bank of Red river, six hundred feet southeast of the building known as the Forge Farm House, at the old Red River Iron Works (and near the Red river dam, in Powell county); thence about northeast to a point on said river; thence with the meanders of said river to the place of beginning; containing twelve hundred acres, more or less, shall be, and hereby is declared to be, a town, and the inhabitants thereof shall be a body-corporate and politic, with perpetual succession, by the name and style of the town of Clay City; with power to govern said town by such ordinances and resolutions, for municipal purposes, as they may deem proper, not to conflict with this charter nor the Constitution of this State, nor the Constitution of the United States; to acquire real, mixed, and personal property for municipal purposes, by purchase or otherwise; to use, manage, improve, sell, convey, or lease the same; and as such, by that name, shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, answering and being answered, into all courts and places and in all matters whatsoever; and may have and use a corporate seal, and change, alter, and renew the same at pleasure.

§ 2. The fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall be vested in one principal officer, to be called the chairman, who shall be *ex officio* chairman of the board of trustees, and one board of trustees consisting of five (5) persons, to be called The Board of Trustees of Clay City, three of whom, with the chairman, shall constitute a quorum to do business; and in the absence of the chairman, any four of said trustees shall form a quorum, who shall elect one of their body to preside in his place.

§ 3. That said chairman and board of trustees shall be elected first on the second Monday in July, anno domini one thousand eight hundred and eighty-four, and biennially thereafter, and shall hold their office for two years, and until their successors shall have been elected and qualified. They shall take an oath before some justice of the peace, or other person qualified to administer an oath, that they will faithfully and without partiality discharge the duties that may devolve upon them as chairman and trustees respectively during their continuance in office. All of said officers shall be male citizens of the United States of legal age; shall be freeholders within the town, owning in fee-simple town property to the extent of a boundary twenty-five by one hundred feet; shall not be in arrears to the town for money collected or held without a settlement or quietus therefor, or for taxes, assessments, fines, judgments, or any other just and legal dues to the municipality. The absence of any of the foregoing qualifications shall render a person ineligible either as chairman or trustee; and if occurring after election, or during his term of office, shall work a forfeiture of his office; and the board of trustees shall so declare, and proceed to fill the office as hereinafter described.

§ 4. That the chairman and board of trustees may, from time to time, fix and regulate by their by-laws the time and places of regular meetings of the board; and may inflict a penalty, not exceeding two dollars, on any member for non-attendance at any one meeting, to be applied as said chairman and board may determine.

§ 5. That the legal title to all streets and alleys in said town, and to all the real, personal, or mixed estate which now does or may hereafter belong to said town, shall be, and is hereby, vested in the chairman and trustees of said town; and the chairman and board of trustees shall have full power to maintain and carry into judgment and execution any action of trespass or other appropriate action or actions, for the recovery of their property, or damages for the detention, taking, injuring, or destruction of the same; and that the same process may issue, and execution be awarded, as are applicable by law to suits by private indi-

viduals: *Provided, however,* That in all cases when the damages are laid at a sum not exceeding two hundred dollars, the recorder of Clay City shall have exclusive jurisdiction, subject to an appeal as in other cases.

§ 6 That the chairman and board of trustees shall have power and authority to clear the streets, alleys, sidewalks, and passways in said town of all obstructions, and to erect and sink cisterns, wells, pumps, and keep open all public springs in said town. They shall also have power and authority to preserve and protect free from encumbrance, all the public grounds and improvements in said town. They shall have full power and authority to remove, and cause to be removed and abated, any nuisance or nuisances in said town; and to regulate the storage or removal of any combustible or unwholesome material that may injure the health or impair the comfort of the citizens or the security of their property; they shall also have power to cause any chimney, flues, stove-pipes, or fire-places that, in their judgment, may threaten the security of property, to be changed and repaired, so as to remove the cause of insecurity; they shall also have power to cause the owners and occupiers of property fronting on streets and alleys to keep the same in front of them clean and free from dirt or filth; and in all cases enumerated in this section, when the person who should do so shall fail or refuse to obey or perform the direction given in relation thereto by the chairman and board of trustees, through their proper officer, they may have their orders executed at their own expense, and the cost and charges thus incurred shall be paid by the said person failing or refusing as aforesaid, and may be recovered by said chairman and board of trustees by warrant or suit before the recorder, or in the Powell circuit court, according to the amount; they shall also have power to prohibit the erection, or cause the removal, of wooden buildings in any designated limit of said town; they shall have power to regulate and control the construction, size, and height of all new buildings to be erected in said town; and they may require that no new buildings in said town shall be erected without permission being first obtained. They shall also

have power to adopt and enforce sanitary regulations to prevent the introduction and spread of epidemics and contagious disease. They shall have power to require the owners or occupiers of any house, lot, or grounds in the town to keep the same clean and free from unwholesome or offensive odors. They shall also have power to punish persons bringing into town for the purpose of selling, or for selling, or for offering to sell, any unsound, diseased, and unwholesome provision.

§ 7. When the chairman and board of trustees of Clay City shall deem it expedient to extend or widen a street, or open and establish a new street or alley in said town, they may apply, by petition or motion, to the recorder of said town, stating and describing the street or alley proposed to be extended, widened, or opened, and said recorder shall thereupon appoint three fit persons, citizens of said town, to view and report the advantages and disadvantages that will result from said extension, widening, or opening the proposed street or alley; upon the return of which report to said recorder, he may order and a writ of *ad quad damnum* directed to the marshal of said town, who, after giving five days' notice to the owner or owners of the land over which said street or alley will run, shall summon and empanel a jury of twelve freeholders of the town of Clay City to meet on the lands of the proprietors and tenants over which it is proposed for the street or alley to run, at a certain time and place, of which notice shall be given them by the officer.

§ 8. The jury, after being duly sworn, shall view the lands of the proprietors and tenants so named, and ascertain what will be a just compensation to each for the land proposed to be taken, and the additional fencing which will be necessary to fence the same, and the damages to the residue of the tract beyond the public benefits which will be derived to such residue from such street or alley. If any person claiming damages has only an estate for life or years, and the remainder in fee belongs to another, the jury shall apportion the damages between them.

§ 9. If the jury shall not be sworn on the day specified, or one shall be sworn and disagree, and shall be discharged, the officer shall execute the writ on such other day as he may appoint, notice thereof being given to the parties interested. If the inquest cannot be completed in one day, the officer shall adjourn the jury from day to day until its completion; when completed, it shall be signed by the jurors, and returned by the officer, together with the writ, to the office of the recorder.

§ 10. If the recorder shall, upon the report, inquest, and other evidence, determine to establish or alter such street or alley as recommended by the viewers, the board of trustees shall pay or tender to the owner or owners of the lands thus condemned the amount of the damages assessed, as also the legal costs of the procedure, before they shall proceed to establish or alter such street or alley.

§ 11. That the said chairman and board of trustees may cause the town, and public grounds belonging thereto, to be ornamented with fencing, trees, and shrubs; and any person or persons who shall willfully injure or destroy said fencing, trees, or shrubs, or any one or part thereof, or the boxing for the protection of the same, shall, for every such offense, be subject to a fine of not less than ten or more than fifty dollars, to be recovered by said chairman and board of trustees in their name and for their benefit, by warrant before the recorder; or the chairman and trustees may, at their election, bring an action for damages in their name for any damage done by such offenders, and recover at the discretion of a jury.

§ 12. That the chairman and trustees shall have full power to cause all the streets and alleys in said town, now or hereafter to be established, to be graded and paved or macadamized at the cost and expense of the owner or owners of lots or parts of lots fronting on said streets or alleys; and a petition, in writing, of the owners or owner of the greater part of the ground fronting on any square shall be sufficient to authorize an order or contract for the paving or macadamizing the street or alleys in said square: *Provided, however,* That the chairman and board of trustees, a majority

of two thirds present at any meeting concurring, may order and cause any street or alley, or any part thereof, in any square of said town, to be graded and paved or macadamized at the cost and expense of the owner of the lots or parts of lots fronting on such street or alley, or on such part thereof as is directed to be paved, without any petition or consent from lot-owners; and when the improvements shall be completed, the cost and expenses thereof shall be apportioned among, and paid by, the owners of said lots or parts of lots respectively, in proportion to the amount which the cost of the whole improvement made under said order bears to the length in front of said lots or parts of lots respectively; and a lien is hereby given upon said lots or parts of lots for said costs and expenses, which may be listed and collected as other taxes by the marshal or other tax-collector of the town, who shall have authority to sell and convey the lots or parts of lots aforesaid for the same, under the by-laws and regulations of said chairman and board of trustees: *Provided, however,* That the owner of any lot or lots sold as above provided, who shall not have consented in writing for that purpose, shall have three years to redeem the same by paying to the purchaser thereof the purchase-money, with twelve per centum per annum interest thereon, with all the taxes and costs which may subsequently have accrued thereon: *Provided also,* That infants shall have two years after arriving at full age to redeem on the terms aforesaid; and the chairman and board of trustees shall have power to cause the sidewalks in said town to be paved with such material, and of such width, and in such manner, and at grade or elevation as they may deem expedient, and to apportion the expense thereof among the owners of lots or parts of lots fronting thereon, as is provided for in the preceding section; and a like lien is given on said lots or parts of lots for the same: *Provided,* That nothing in this section or charter shall be construed to permit the assessment of any property for any public improvements to an amount exceeding twenty per centum of its value (as assessed for taxation) in any one year. The marshal is authorized to sell and convey said

lots as in said section provided for ; and in case of infants, in two years after their arrival at full age, by paying twelve per centum per annum interest thereon, with all taxes and costs subsequently accrued ; the purchaser, if possession is required under the purchase, in all cases accounting to the owner for rents and profits on the redemption of the property.

§ 13. That said chairman and board shall be authorized to purchase and hold not exceeding twenty five acres of ground, lying within two miles of Clay City, for a burying-ground, and make all needful rules and regulations for the protection thereof. They shall have power to establish free schools in said town, and to make all appropriate regulations for governing and conducting the same. They may, from time to time, establish fire companies in said town, and confirm and appoint the officers thereof, procure the necessary engines and other proper implements, and require the inhabitants to procure such number of fire-buckets as they may think necessary. They may establish a watch-house and work-house, and appoint watchmen and other officers to superintend the same, and to apprehend all offenders and disorderly persons, and take them before the proper tribunal, to be dealt with as the law directs. They shall have power to appoint special policemen for definite and limited terms, who shall have the power of constables.

§ 14. The chairman and board of trustees shall have power to appoint, annually, a clerk, assessor, corporation counsel, a treasurer, market-master, surveyor, keeper of the town clock, and such other officers as may be proper to carry into effect the laws and by-laws and ordinances made for the welfare of said town and citizens thereof, and may prescribe the respective duties, and the pay and salary of said officers. They shall require a bond from all officers appointed by them to fill responsible offices in adequate penalties, with sufficient securities, conditioned as their respective duties require, payable to the chairman and board of trustees of Clay City, and for a breach of any of the conditions of said bond, the said chairman and board of trustees may sue and have the appropriate judgment, by action of

covenant of debt in the Powell circuit court, against the parties to said bond respectively. Said chairman and board of trustees shall have power to remove for good cause, at any time, any of said officers or their deputies, and appoint others in their stead; and whenever a vacancy occurs by the death, removal, or resignation of the chairman of the board, or any of the trustees, or of any of the officers or their deputies, they shall in like manner have power to appoint others in their stead.

§ 15. That the trustees shall appoint annually an assessor, who shall, before entering on the duties of his office, take an oath diligently and impartially to discharge the duties of his office. It shall be his duty to call upon all the taxable persons in said town and make out a true list of the taxable property, with the value thereof, which list (except as to the valuation) shall be made upon the oath of the party, to be administered by the assessor. Said list, when completed, shall contain all the real estate in said town, all the males over twenty-one years of age, and all other species of personal property liable by law to taxation, except books, watches, spectacles, and pianos, no specific tax on either of which articles shall be levied; and said assessor's list shall embrace such particulars of the statistics of said town, with such other matters of general interest, as the chairman and board of trustees may, from time to time, require. If any person or persons shall refuse to give in a list of his or her property, or be absent, the assessor shall make out a list from the best information he can obtain; and when the owner or owners of any real estate in said town shall be unknown, it shall be the duty of the assessor to report that fact on his list, together with the value of the property. The assessor shall, on or before the fifteenth day of April, annually, complete and return the list so taken to the chairman and board of trustees, or their clerk; and said chairman and board shall immediately thereupon give public notice that any person who may feel aggrieved by the valuation of the assessor may appear at a stated meeting, to be held for that purpose, on or before the fifteenth of May in each year, with their evidence, to show the true valuation

of said property, which may thereupon be corrected according to the proof.

§ 16. That the treasurer appointed by the chairman and board of trustees shall take an oath faithfully and honestly to discharge the duties of his office; and shall execute bond, with good security, in such penalty, and with such conditions and stipulations, as the chairman and board may require. He shall receive and give a receipt for all moneys by him received or paid to said chairman and board. He shall keep a fair record of all the fiscal concerns of the board, and shall record in order all the appropriations of said board as certified to him by the clerk, and pay the same according to their order; but in no case shall he pay without a copy of said order making such appropriation signed by the clerk, all of which he shall file and keep for settlement. His books shall at all times be open for inspection by persons having claims against the board upon reasonable notice. The treasurer is hereby authorized to receive and receipt for all taxes that may be paid to him on or before the tenth of July annually, and on all taxes paid after that date eight per centum per annum shall be added. The treasurer shall, on or before the twentieth of July, annually, report to the clerk a true list of the taxes received by him, with a list of those whose taxes remain unpaid at that time. He shall be allowed a compensation for his services not exceeding two and one-half per cent., on all moneys received and paid out by him. He shall also, whenever required, attend and make report to the board the condition of the treasury, and shall at all times be ready for a settlement.

§ 17. That if, on the first day of December in any year, there may be due and unpaid tax or taxes upon any lot or fraction of lots in said town, it shall be the duty of the said clerk to cause to be published in a newspaper of the town for the time being, or by a written advertisement at three or more public places in said town, a list of all the lots or fractions of lots on which the tax may be unpaid, and the amount thereof, for two months; and he shall also state in a note appended to said list the day or days on which said

lots, or so much of each as may be necessary to pay the unpaid taxes due thereon, will be sold; and a copy of said list, with the certificate of the clerk that the same has been published or advertised agreeably to the provisions of this act, shall be recorded in the clerk's office of the Powell county court, and when so recorded shall be *prima facie* evidence that said publication was made as prescribed by this act, and an attested copy of the same may be used in the trial of any cause, and have the same effect of other attested copies as authorized by law. If the tax or taxes thus due be not paid on or before the day thus made for said sale, the marshal or other tax-collector shall, on said day, expose to sale so much of said lots as will be sufficient to discharge the taxes due thereon, respectively, to the highest bidder. The sale shall be made at the door of the city hall in Clay City, and the marshal shall convey the lots so sold to the purchaser, and the deed of the marshal shall be effectual to pass the title thereof to the purchaser: *Provided, however,* That the same may be redeemed in two years by the original owner or owners, and their assignees, by payment to the purchaser, his heirs or assigns, the purchase money paid by him, with interest thereon at the rate of fifty (50) per centum per annum, and all costs and charges incurred in consequence of said sale, where the purchase money may not exceed two dollars; and where it exceeds two dollars, the rate of interest per annum on redemption shall be twenty (20) per cent.; and when the purchaser receives possession under sale, such purchaser, on redemption being made, shall account to the owner for rents and profits: *And provided also,* That infants and *feme coverts* and persons of unsound mind shall have two years after their several disabilities are removed to redeem their ground.

§ 18. That the chairman and board of trustees shall have power and authority to assess annually, and to levy and collect tax on all real estate and personal estate within the limits of said town, except money owned by, and debts due to, the citizens or residents of said town, not to exceed eighty (80) cents on the (\$100) one hundred dollars' worth of prop-

erty; and to levy and collect a poll-tax not exceeding (3) three dollars on all male persons in said town over (21) twenty-one years of age. They may tax all theatrical performances, shows, and exhibitions of all kinds, in any sum not exceeding forty dollars for such exhibitions for any one day, except exhibitions held in a licensed hall. They shall have authority to tax all auctioneers in a sum not exceeding (5) five per cent. for all goods, wares, merchandise, and chattels sold to bidders within said town, except property sold by citizens of the town of their own manufacture, or by order of court, or by executors, administrators, or guardians, and shall have a lien on the articles sold or to be sold for such tax until the same is paid, or the person selling the same shall take out license for that purpose. They shall have power to license auctioneers, confectioners, victualers, drays, carts, wagons, hacks, and coaches plying in said town for hire. They shall have a lien on all personal and real estate in said town until the taxes due by the owners thereof are paid; and all such property shall be liable to be sold, or so much thereof as may be necessary, to pay such tax and cost of sale. They shall have power to suppress all tippling-houses, houses of ill-fame, disorderly houses, and all retailing of spirituous liquors without license, and to fine all who may violate their by-laws in relation thereto in any sum not exceeding one hundred dollars (\$100) nor less than fifty dollars for each offense, which may be recovered before the recorder of the town. They shall have the right to tax and to license all taverns within the limits of said town, granting or refusing the same, as may be deemed expedient by said chairman and board of trustees.

§ 19. That the clerk of said chairman and board of trustees shall take the usual oath of office, and give such bond as may be required. He shall preserve the books, papers, records, and everything belonging to his office, and deliver the same to his successor. He shall keep a correct journal of the proceedings of the board, and a regular account of its fiscal concerns. He shall file and preserve the poll-books, and shall record all the acts, resolutions, and orders of the board.

He shall take and preserve all bonds, agreements, and contracts made between the board and other persons, and shall give copies of orders and allowances to all persons entitled thereto, when applied for. He shall make out a correct list of the persons and property liable to taxes, with the amount due by each, in alphabetical order, and place them in the hands of the treasurer on or before the fifteenth day of June annually; and he shall file and preserve the report of the treasurer of those taxes which have not been paid, and shall make out and place in the hands of the marshal, or other tax collector, a list of the persons and property by whom or on which taxes and dues to the town remain unpaid, and the amounts of the claims respectively. That all taxes which at any time are due and owing said town may be levied by the marshal or collector on the personal property of the tax-payer, and sale may be made under such levy in the same way, and under the same rules and regulations, governing the sale of personalty under execution under the general laws of the State.

§ 20. The chairman and board shall also have power to license all stores, coal-yards, lumber-yards, warehouses for storing goods for hire, and other places for vending goods, beer-saloons, billiard-tables, pigeon-hole tables, bowling-alleys, shooting-galleries, saloons, sample-rooms, theatre and exhibition halls; also places for vending goods, wares, and merchandise; and shall have power to pass penal ordinances so as to prevent persons from selling goods in said town without obtaining license so to do; and such license shall in no case exceed one hundred (\$100) dollars, nor be less than five (\$5) dollars; and in carrying into effect this power they may class and grade the various business intended to be licensed.

§ 21. The chairman and board of trustees shall have power, upon such lands as may be provided within or without the town limits, to erect a suitable building or buildings for a police station-house and for a work-house; or to buy or lease any premises for the same or other necessary purpose, and to erect a town hall and such other public buildings as may be needful for the public convenience. In the

police station shall be confined all persons arrested for a violation of any of the ordinances of said town, until his or her case is finally tried before the recorder's court of said town, or other court authorized to try such cases, unless such party so arrested shall give bail before said court for his or her appearance and trial in said court in a sum equal to twice the amount of the fine which may be assessed against said party for such alleged violation of any ordinance aforesaid; and in the town work-house, or other place provided in lieu of same, shall be confined all persons committed on final process of the recorder's court of Clay City; all beggars, vagrants, bawds, and bawdy-house keepers, all persons committed in default of bail upon orders of said recorder's court, or any magistrate in said town requiring surety for the peace, or for good behavior, or as suspected felons, or for other causes; and all able-bodied persons put into said work-house, or place provided in lieu of same, for any of the causes aforesaid by said court, shall be compelled to labor on streets, alleys, public works, or at such labor as may be prescribed by ordinance of the chairman and board of said town until discharged; and the chairman and board of said town shall have power to pass all ordinances for the government and management of said police station and work-house.

§ 22. That the said chairman and board of trustees of said town shall have power to fix one uniform grade for either or all of the streets and alleys of said town, and have the same graded in conformity thereto; and all buildings erected in said town, after the uniform grade is fixed for any street or alley, are required to be erected so as not to interfere with such uniform grade.

§ 23. That the chairman and board of trustees shall have power to borrow money, and execute, through a committee appointed for that purpose, the bonds or obligations of said town, for the same: *Provided, however,* That the indebtedness of said town shall at no time exceed the sum of \$10,000 (ten thousand dollars), except by the written consent of freeholders of said town owning more than one half the area of same.

§ 24. That the said trustees shall exercise and possess all the powers and privileges which, by the general laws of the land in relation to towns, are granted to trustees thereof; and shall have full power and authority to make all the necessary by-laws and regulations for the purpose of carrying into effect the powers granted by this act; and also such further regulations and ordinances as may be necessary or proper for cleanliness, comfort, good order, and security of said town and the citizens thereof; and may enforce the same by adequate penalties, to be recovered in their name before the recorder, provided the same be not contrary to the Constitution and the laws of the land. No suit shall be instituted against the chairman and the board of trustees, unless the same be instituted in the county of Powell; and services of process against the chairman and board of trustees shall in all cases be sufficient.

ARTICLE II.

Judicial Department.

§ 1. The judicial power of the corporation shall be vested in and exercised by a court, to be styled "The Recorder's Court of Clay City," which shall be held by a judge, to be styled "The Recorder of Clay City," who shall be elected by the qualified voters of the town on second Monday of July, anno domini one thousand eight hundred and eighty-four, and biennially thereafter, for the term of two years, and who shall continue in office until his successor shall have been elected and qualified.

§ 2. No person shall be eligible to the office of recorder of Clay City, unless he shall have attained the age of twenty-five years, and be otherwise eligible for election to the offices of chairman and trustee.

§ 3. The recorder's court of Clay City shall have exclusive original jurisdiction in all prosecutions for violation of the ordinances of said town, and concurrent jurisdiction with the circuit court of all pleas of the Commonwealth arising within the limits of the town of Clay City when, by the laws of the State, in criminal cases, the offense charged is of less degree than felony; and in civil cases where the amount

involved, exclusive of interest and costs, does not exceed two hundred dollars (\$200); and said court, or the judge thereof, shall have the same power and authority to take recognizances from persons charged with offenses cognizable before said court to appear and answer, the same that the circuit courts have, and like power to take the same as forfeited and pronounce judgment thereon, and to enforce full compliance with the same; and shall have the power of one justice of the peace in holding examining courts in cases of misdemeanor, and power of two justices of the peace as an examining court in cases of felony; and the judge of said court shall be a conservator of the public peace, and may issue summons on warrants of arrests for all offenses against the laws of the State or ordinances of the town, and for those committed within his presence may order arrest without warrant, the person offending to be dealt with according to the laws of the State or ordinances of the town. The recorder's court shall have the same jurisdiction, and shall proceed in the same manner, as justices of the peace in trials of parties charged with breaches of the peace committed in the town. The recorder's court, when it shall deem it necessary and proper, shall either proceed to final judgment, or may require the defendant to give bail to answer the charge at the succeeding term of the Powell circuit court.

§ 4. The recorder's court shall be holden at such place within the town as the chairman and board of trustees may designate, or they failing to designate and provide a suitable place, at such place as the judge may select. The judge shall have power to fix the time of holding the court as, in his discretion, the business before him may require.

§ 5. The Clay City recorder's court shall be a court of record, and the judge thereof shall be his own clerk. Certified copies of the records of said court, over the signature of the judge thereof, shall be evidence in any courts in this Commonwealth.

§ 6. That all proceedings in, and process from the recorder's court, where the fines and penalties are imposed under the laws of Kentucky, shall be in the name of the Commonwealth of Kentucky; and where the fines and pen-

alties are under ordinances of the town, proceedings and process shall be in the name of the chairman and board of trustees of Clay City. The process shall be made returnable to the recorder's court, and may be directed to the marshal of the town; but the recorder of said court may direct the process from said court to any sheriff, constable, or policeman within the State of Kentucky; and the officers into whose hands any such process may come shall duly execute the same, and make due return thereof; and for any failure so to do, such officer shall be subjected to such penalties as are by laws of the Commonwealth of Kentucky imposed on sheriffs for failure to serve any process from circuit courts.

§ 7. All fines and forfeitures recovered in the recorder's court in the name of or in favor of the Commonwealth of Kentucky, or in the name of the chairman and board of trustees of Clay City, are hereby granted to the chairman and board of trustees of Clay City.

§ 8. All fines and forfeitures recovered in the recorder's court are to be collected by the town marshal or other officer to whom the execution or *capias pro fine* is directed, and to be paid by him to the town treasurer; but before the issual of the execution or other final process, the defendant may pay the fine or forfeiture to the judge of the recorder's court, who shall pay the same to the town treasurer. The defendant shall have the right at any time to replevy for three months any judgment, fine, or forfeiture of the recorder's court, or writ of execution or other final process thereon, by giving bond, with good security, in the same manner as allowed by law in similar cases in favor of the Commonwealth.

§ 9. A return of not found on a *capias pro fine*, or of no property on writ of *fieri facias*, issued on any judgment in the recorder's court, shall authorize an attachment out of equity in favor of Commonwealth, or of the chairman and board of trustees of Clay City, against the choses in action and effects of the defendant, in the same manner that a return of no property authorizes an attachment in equity on judgments rendered in the circuit courts.

§ 10. Upon all judgments for fines rendered by the recorder's court, whether in favor of the Commonwealth or of the chairman and board of trustees of Clay City, it shall be lawful for the chairman and board, by their order, to cause to be issued a *feri facias* or *capias pro fine*; such *capias pro fine* shall require the imprisonment of the defendant in the town work-house until the fine and costs are paid; but the person so imprisoned shall discharge the same labor in the town work-house, or on the streets or public works of the town, at the rate of one dollar per day, under such rules and regulations as may be adopted by ordinance of the chairman and board; and such person shall be compelled to conform to all such rules and regulations as regards labor and discipline, unless he shall, after having been committed, replevy or pay the judgment, or such portion thereof as remains unpaid: *Provided*, That if, from any cause, it becomes expedient to use the watch or work-house of the town of Clay City, the chairman and board may require the *capias pro fine* to provide for the imprisonment of the defendant in the county jail.

§ 11. Appeals shall be from the decisions and judgments of the recorder's court of Clay City to the Powell circuit court, in all cases where the judgment is for a fine exceeding fifty (\$50) dollars; and the manner of taking and prosecuting such appeals shall be as is provided for in chapter two, title nine, of the Code of Practice in criminal cases; and should, at any time, the mode and manner of taking and prosecuting such appeals be changed in the said Code of Practice in criminal cases, then in such cases said Code so altered shall govern in the premises.

§ 12. The recorder's court, so far as it has jurisdiction in criminal or penal cases, as hereinbefore provided for, shall always be open for hearing and determining such cases.

§ 13. The recorder shall have power and authority to examine witnesses under dedimuses from any court within this or any of the United States or foreign country, and shall be entitled to receive a fee of one dollar for each witness examined; he shall also have power and authority to take depositions in said town in all other cases where

justices of the peace are now authorized to take the same: *Provided*, That said judge, for the performances of such duties and the exercise of such power as come within the jurisdiction of the peace, shall be entitled to demand and receive the same fees, and no more, as are allowed by law to justices of the peace, except such salary and fees as may be provided for by the chairman and board of trustees of Clay City; and he shall have the right to issue fee-bills, and collect them in like manner as justices of the peace now have and do.

§ 14. The recorder shall make to the chairman and board of trustees a written report, at least quarterly, of all fines imposed by his court and all costs taxed for their benefit.

§ 15. When, from any cause, the recorder fails to attend or cannot properly preside in holding the court, the chairman may hold court in his stead.

§ 16. The chairman and board of trustees may by ordinance provide that, in all penal prosecutions carried on before the recorder's court of Clay City, no costs shall be allowed or taxed in their favor for work in such prosecution performed for them by the court or any of its officers, or by the marshal of Clay City.

§ 17. The chairman and board of trustees may, by ordinance, provide for a clerk of the recorder's court, and fix a salary or fees, or both, for said officer; but until such provision shall have been made, the recorder shall be his own clerk.

ARTICLE III.

§ 1. A marshal of the town of Clay City shall be elected by the chairman and board of trustees annually, and after being properly qualified shall hold office until his successor shall have been elected and qualified.

§ 2. Before entering upon the duties of his office he shall take an oath faithfully to discharge the duties, and shall give bond, with good security, in a sum not less than three thousand dollars, with such conditions as may be prescribed and required by said chairman and board.

§ 3. It shall be the duty of the town marshal to attend all meetings of the chairman and board of trustees, and to-

attend all sessions of the recorder's court. He shall serve and execute all process, precepts, and notices; to levy and execute all executions to him directed from the recorder's court, and make due return thereof according to law; to collect all taxes of said town, executions, and other demands placed in his hands; to collect and account for and pay over the same to the person or persons legally entitled thereto, under the same rule, regulations, and penalties which by law apply to and govern sheriffs and constables in collection of taxes, executions, and other demands; and in service of similar process, and a failure to perform any of the duties prescribed by this act, he and his securities shall be subject to the same proceeding which may by law be had against sheriffs and constables in similar cases, and to the payment of the same damages, penalties, and costs for the non-performance of his duties to which sheriffs, constables, and their securities are liable in similar cases. He shall serve and execute all orders and notices issued or made by the chairman and board, and make due return thereof; he may have one or more deputies, by and with the consent of the chairman and board, for whose misconduct, malfeasance, or other fault he and sureties shall be liable to the same extent as if committed by himself. He shall, under the direction of the chairman and board, have the care, management, and control of the watch-house and work-house, unless the said chairman and board shall designate some other person for such position. He shall have the same power in all cases throughout the county of Powell which is given by law to constables. He shall perform such other duties, not inconsistent with this charter, and make such other returns and reports of his acts, as may be prescribed by the chairman and board. He shall be entitled to the same fees and commissions for collecting fines and forfeitures as constables are in like cases. He shall have the same fees as constables for like services; but all the fees which shall be taxed in any cause in the recorder's court for the services of marshal, except in felonies and civil causes, when collected, shall be paid into the town treasury, and held as property of the town. He shall make once in each month, to the chair-

man and board, a written report of all fines and penalties and moneys by him collected, and of costs taxed for their benefit, and of all uncollected demands which, when collected, would be the property of said chairman and board; and his failure to make such report is hereby declared to be a misdemeanor, punishable as may be determined by an ordinance of the chairman and board. He shall receive such salary as may be provided by the chairman and board of trustees, which shall be fixed annually, said salary to be paid quarterly; said salary shall be in lieu of all costs which would otherwise be due to said marshal from defendants, who shall receive judgment for their costs against the chairman and board of trustees in any penal prosecution before the recorder's court, and in lieu of all costs which would be due to the marshal by said chairman and board in all cases.

§ 4. For any malfeasance or willful neglect of his official duties, the marshal may be suspended from exercising the duties of his office, for a period not greater than fifteen days at any one time, by the chairman and board, and thereupon said chairman and board shall cause a summons to issue from the recorder's court directed to the marshal, commanding him to appear in said court at any time not greater than five days from the service of such summons, to show cause why he should not be broken of his office; and should said marshal fail to appear, said marshal shall, by a judgment of said court, be broken of his office; and should the marshal appear and show cause, and should said cause by said board be deemed insufficient, the recorder's court shall cause a jury to be summoned, which jury, after hearing the evidence offered by either party, shall say in their verdict whether said marshal is guilty as charged, and whether he should be broken of his office; and should their verdict be against the marshal, he shall be broken of his office, and the court shall so adjudge. The trial shall be conducted as by general law trials by jury are conducted. This section is not intended to except the marshal from the operation of the general laws governing malfeasance and misfeasance of officers.

ARTICLE IV.

Elections.

§ 1. The elections provided for in this charter shall be held at some place or places in the town designated by the board, and they shall appoint suitable persons as officers of election at the voting place or places, two persons as judges, and one as sheriff, and one as clerk. Said officers shall be governed in all matters not inconsistent with this charter by the laws of the Commonwealth governing the elections of State officers, and subject to all the penalties imposed by said law for any violation thereof.

§ 2. All laws in force in this Commonwealth punishing illegal voting at the State elections shall apply to all illegal voting in the town of Clay City at the elections provided for in its charter.

§ 3. Every male person of legal age, a citizen of the United States, or who has declared his intention to become such, and who has been a resident of the State six months and of the town of Clay City thirty days next preceding any election, shall be a qualified voter at all elections held under the provisions of this charter.

§ 4. The officers of said election shall return their poll-books to the chairman and board of trustees, who shall declare the result of said election, and they shall certify to the Governor of the State the person elected recorder; and when any two or more persons shall receive an equal and highest number of votes, the election shall be determined between them by the chairman and board by lot.

§ 5. The chairman and board shall judge of the qualifications, elections, and returns of its members; and any case of contested election for any city officer shall be heard and determined by the chairman and board, under such rules as they prescribe.

§ 6. All vacancies in elective offices shall be filled by the chairman and board at their next stated or called meeting after such vacancy shall have occurred, and such appointee shall hold his office until the next general election for the chairman and board, at which time the office by an election, which election the chairman and board shall advertise by a proper order.

ARTICLE V.

§ 1. That Daniel W. Voorhees, jr., as chairman, and Benjamin Crawford, Arthur W. Robertson, Isaac W. Norcross, James T. Milne, and John Clayton are hereby made and constituted the chairman and board of trustees of said town, who shall continue in office until the qualification of a chairman and board elected as herein provided. Until the election and qualification of their successors, said chairman and board shall have and enjoy the same rights and powers which would be enjoyed by the chairman and board to be elected as herein provided.

§ 2. This act shall go into effect and become a law from and after its passage.

§ 3. The inhabitants of Clay City shall be exempt from all road work outside the limits of said town; and all assessments for road taxes levied upon property or persons within said town shall be expended within the corporate limits of said town, as may be directed by ordinance of the chairman and board of trustees.

Approved April 8, 1884.

CHAPTER 653.

AN ACT for the benefit of the city of Bowling Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of councilmen of the city of Bowling Green are hereby authorized and empowered to issue bonds of said city, to an amount not exceeding ten thousand dollars, for the purpose of raising money to purchase a new engine for the water-works of said city. Said bonds may be of any denomination, not exceeding one thousand dollars each, and shall be signed by the mayor and clerk. The coupons for the interest shall be signed by the clerk alone. They shall run for twenty years, but be redeemable at the pleasure of the city at any time after five years, and shall bear interest at the rate of five per centum per annum, payable semi-annually, and shall be non-taxable by the city. Said bonds shall not be issued until the board of council-

men shall, by a resolution, three-fourths of the entire board voting therefor, so direct; and the bonds, at or before maturity, shall be paid as is provided for the payment of the interest and the redemption of other bonds of said city.

§ 2. The board of councilmen shall, annually, set apart twenty-five hundred dollars as a sinking fund for the payment at or before maturity of the general fund, water-works, school, and all other bonds of the city.

§ 3. The board of councilmen shall, annually, levy a tax sufficient to pay the current expenses of the city, including the interest on all bonds issued by the city, and to pay over into the sinking fund the amount required in section two of this act: *Provided*, The rate of taxation for all purposes mentioned in this section shall not exceed one dollar on each one hundred dollars of taxable property in said city.

§ 4. The board of councilmen shall, in addition to the rate of taxation fixed in section three, levy a tax of not exceeding forty cents on each one hundred dollars of taxable property in said city for the purpose of paying the expenses of conducting the public schools of said city.

§ 5. That so much of an act, entitled "An act to amend an act to establish a system of public schools in the city of Bowling Green," as authorizes the board of councilmen to levy a tax of twelve cents for the purpose of paying the interest on the school bond of said city, and to provide a fund for redemption of said bonds, and so much of said act as authorizes the board of councilmen to levy a tax of twenty-eight cents for the purpose of defraying the expenses of said schools, be, and the same is hereby, repealed.

§ 6. All laws or parts of laws conflicting with the provisions of this act be, and the same are hereby, repealed.

§ 7. This act shall take effect and be in force from and after its passage.

Approved April 8, 1884.

CHAPTER 654.

AN ACT to authorize the trustees of the town of Dawson, in Hopkins county, to issue bonds to build school-house.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the city of Dawson, Hopkins county, Kentucky, are authorized to submit to the voters of the city of Dawson (after giving ten (10) days' notice), the question of issuing eight hundred dollars (\$800) in bonds for the sole purpose of aiding the stockholders in the completion of the graded school edifice in the city of Dawson. If a majority of the votes cast be in favor of issuing the proposed bonds, then the trustees shall be authorized to issue eight hundred dollars (\$800) in city bonds for the above named purpose.

§ 2. That the said eight hundred dollars in bonds shall be made payable in one (1), two (2), and three (3) years, at six per cent. interest per annum from date. First bond, two hundred dollars (\$200), payable in one year; second bond, three hundred dollars (\$300), payable in two years; third bond, three hundred dollars (\$300), payable in three years.

§ 3. That the said bonds shall be deposited in the First National Bank at Princeton, Kentucky, to be sold to the highest bidder, and the proceeds thereof shall be deposited in said bank, subject to the order of the building committee herein named: W. W. Asher, W. L. Johnson, W. T. Jackson, and Geo. M. Price, in the completion of said school edifice.

§ 4. That the proceeds of said bonds shall be stock in the said school edifice, and the dividends of said bonds to be paid into the city treasury at the end of each year. And further, that the said committee shall only be allowed to draw said money as the immediate use of the edifice shall demand; and Geo. M. Price shall be secretary of the committee herein named.

§ 5. This act shall take effect from its passage.

Approved April 8, 1884.

CHAPTER 655.

AN ACT to incorporate the Hodgenville and Elizabethtown Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. W. Twyman, Jacob Hubbard, B. J. Hargan, D. H. Smith, Ed. Hays, Philip Dunn, A. N. Goodin, A. N. Kennedy, Bowling Mumford, T. B. Hamilton, O. T. Petty, Jediah Hays, George Washer, J. W. Gore, Jos. B. Read, John Petty, W. H. Slaughter, C. D. Miller, W. V. Sprigg, Thomas Ash, A. D. Hunt, and L. L. Larue, and their associates, successors, and assigns, be, and they are hereby, created a body-politic and corporate, by the name and style of The Hodgenville and Elizabethtown Railway Company; and by that name shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, defending and being defended, in law and equity, in all courts and elsewhere, in like manner and as fully as natural persons may be; and said corporation may have and use a common seal, and set aside, renew, or alter the same at pleasure; and by said corporate name may contract and be contracted with; and by that name shall be, and are hereby, invested with all the powers, privileges, immunities, and franchises of natural persons.

§ 2. The capital stock of said company may be any amount, not exceeding thirty thousand dollars per mile, for each mile of railroad which said company shall build or own, divided into shares of one hundred dollars each, and may be subscribed for, purchased, owned, and controlled by individuals in and out of this State, and railroad companies and other corporations in Kentucky or elsewhere, and counties or precincts.

§ 3. The corporators named in the first section, or such of them as may act, shall constitute the first board of directors of said company, and may serve as such until their successors are duly elected and qualified. The said corporators, or a majority of them, shall meet at such time and place as they may agree upon and designate; and from their own number, or from such persons as they may associ-

ate with themselves, choose a president and appoint such other officers and agents as may be necessary; they shall have power to adopt such by-laws for the government of the company, its officers, agents, and employes, in the general conduct and management of the affairs and business of the company, as may be needful and proper, and alter, amend, or repeal the same at will.

§ 4. The general office of the company shall be located in Hodgenville, Kentucky, provided the board of directors may change the location thereof where they deem proper. The directors shall have power and authority to locate and establish branch offices or agencies at such other place or places as may in their judgment be found necessary.

§ 5. That the incorporators or first board of directors shall provide in the by-laws for an annual election of directors, consisting of seven in number, who shall be stockholders of said company, and fix the time and place and determine the manner of the first and succeeding elections of directors. The directors succeeding the first board shall severally hold their offices for one year, and until their successors are elected and qualified. Each board of directors may fill any vacancy occurring in their number, and shall choose from their own number a president. It shall require a majority, including the president, to constitute a quorum of the board of directors for the transaction of business.

§ 6. At the election of directors, and all other meetings of stockholders in said company, stockholders shall be entitled to one vote for each share of stock so held, which may be cast in person or by written proxy. Provision shall be made in the by-laws for annual meetings of the stockholders, and such called meetings as are necessary.

§ 7. The president and directors shall have the management and control of the property, business, and affairs of the company, may appoint all such officers, agents, and employes as are necessary, prescribe their duties and compensation, and take from any one of them bond with security for the faithful performance of his duties.

§ 8. It shall be lawful for the president and directors of said company to open stock books for subscription to the

capital stock at such times and places, and continue them open for such length of time as may be deemed necessary. The capital stock of said company is hereby declared to be personal property, and may be issued, certified, transferred, and registered in such manner, and at such places as may be ordered and provided by the by-laws of said company.

§ 9. It shall be lawful for said company, through its president and directors, to accept and receive contracts for donations, to be due and payable when said road shall have been so completed that cars may run thereon, and said company shall open a book in which they shall keep a faithful registration of all donations and contracts for donations made to said company; and when the above conditions have been complied with by said company or their assigns, they, or their assigns, may enforce the payment of any promised donation in such courts, and by such proceedings as now provided for the collection of promissory notes.

§ 10. The said Hodgenville and Elizabethtown Railway Company shall be, and are hereby, authorized and empowered to locate, construct, build, and complete a railroad, with such number of tracks and lines of telegraph as said corporation may desire, and for that purpose shall be entitled to acquire title to a continuous line of sixty feet in width of land, with such additional ground as may be necessary for the use of said railroad from Hodgenville, Kentucky, to Elizabethtown, Kentucky, and to construct, build, and furnish said railroad with all necessary side tracks, turn-outs, switches, depots, stations, and all necessary buildings, erections, and structures, for the convenient working of said railroad and carrying on its business, and with all the rolling stock of every sort and kind, and all other machinery, implements, and property the company deem necessary and proper for the proper prosecution of its business; and said company shall have power to operate and maintain the same, and for said purpose said company, in its corporate capacity, is hereby vested with all the powers necessary for purchasing, acquiring title to, holding, selling, and conveying and transferring all real, personal, and mixed property said

company may deem necessary to carrying out the objects of this act, to the same extent as any natural person or persons or any other corporation may exercise such right of acquisition, holding, and disposing of his, their, or its property.

§ 11. Said corporation is hereby authorized, by its agents, surveyors, and engineers, to cause such examinations and surveys of the different routes as are necessary to determine which is most suitable for the construction of said railroad; and it shall be lawful for said company to enter upon, take possession of, and use all such real estate as may be necessary for the construction, operation, and maintenance of said railroad, its depots, side-tracks, water-stations, engine-houses, machine-shops, and other buildings and appendages necessary for the use of said railroad; and said corporation may also take and use any earth, timber, gravel, stone, or other materials needed for the construction, maintenance, and repairs of said railroad, and its appendages and works; and may, by its authorized agents, agree with the owner of the land, earth, timber, gravel, stone, or other materials wanted for the purchase of the whole, or the use and occupation of the real estate, the owners being competent to contract; but if the owners being competent refuse to contract, or any of them are *femes covert* or minors, or *non compos*, or out of the county in which the property wanted is situated, application may be made by the company, or its agents, to the county court of any county into or through which it is proposed to construct said railroad. Such court shall appoint three commissioners, who shall be residents of the county in which the property is situated, who shall be sworn to discharge their duties under this act justly and impartially to the best of their skill and judgment. It shall be the duty of said commissioners to view the lands or materials required, and fix the amount of compensation to which the owner or owners may be entitled, and make out and return to the office of the county clerk of said county a report in writing, particularly describing the land and materials valued, and the amount of damages, if any, assessed. The clerk shall receive such report and file the same, indorsing thereon the time of its being filed; and if the

owner resides in the county, he shall forthwith issue a summons, commanding the owner or owners of such land or materials to appear and show cause why the report shall not be confirmed, which summons shall forthwith be executed by the sheriff or other officer in whose hands it may be placed. The report shall be docketed in the county court, and stand for trial at any term of said court commencing not less than ten days after service of the summons, unless the service is had in another county, when it shall be twenty days, it being understood that the county judge may act in all cases when the county court is mentioned in this chapter. If the owner be a non-resident of the State, the court shall, at the first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions at any time within sixty days from the date of his appointment; and upon exceptions being filed by the owner, or his attorney, or by the company, the court shall forthwith order a jury to be empaneled to try the question of compensation and damages, unless, for good cause shown, time is given for preparation. If no exceptions be filed, the report shall be confirmed. The commissioners and jury shall, in estimating damages, allow the owner the full value of the land taken or to be taken by the company; but in estimating incidental damages to the land of the owner adjoining the land taken, may take into consideration the advantages to accrue to the adjoining lands of the owner by reason of the building of the road. Said company shall not be delayed in its work of construction by proceedings prescribed in this section, but may, after first giving bond, with sufficient security to pay such damages and costs as may be finally awarded, proceed with its construction, taking and using such land and material as it may require and be entitled to take under this charter.

§ 12. That said company shall have power to purchase and hold any other road in this State, or to sell or lease said road to or consolidate itself with any other railroad company in or out of this State, upon such terms and conditions as may be agreed upon between it and the other company

or companies, so as to make continuous lines under one management from two or more certain termini; and may establish and take a suitable and proper name, to be approved of by the consolidating companies; and may lease and operate any railroad connecting with it, upon such terms as may be agreed upon; and for that purpose full power is hereby given said company to make and execute any and all such contracts as may be necessary to carry into effect any such agreements for the purchase and sale or leasing of any such road, or for the consolidation, sale, or lease of its road and franchises.

§ 13. That said company is hereby authorized to borrow money to complete, equip, furnish, operate, or maintain its said railroad, and to issue bonds at a rate of interest not exceeding six per centum per annum, with such time to run as it may deem proper, and negotiate and dispose of the same as it may deem proper, and to mortgage its corporate property and franchises to secure the same; but it shall not be lawful for said company to issue, discount, or dispose of a greater amount of bonds at their face value than thirty thousand dollars per mile of its contemplated road.

§ 14. That copies from the minutes of proceedings of the board of directors of said company, certified by the secretary, and copies of the by-laws adopted by the board, when so certified, shall be received in all tribunals in this State as evidence, as fully and to the same extent as would be the books of the company.

§ 15. That it shall be lawful for said company, by its officers and agents, to receive subscriptions to its capital stock, payable in real estate, situated in the State of Kentucky, and take deed or deeds therefor in fee-simple, and issue certificates of stock thereon; and the real estate thus acquired may be held, used, and conveyed by said company as a natural person; but it is expressly provided that any conveyance of lands to said company, or to any one for the use and benefit of said company, or its corporators, or any of them, in payment of any subscription to the capital stock of said company, or as a bonus or gift to induce the building of a railroad, shall operate only as an escrow in the

hands of whomsoever it may be lodged, until such time as a railroad shall actually be constructed under this charter to said lands, or to a point on the contemplated line of said road nearest to said lands, and cars actually run thereon; and should no road be actually constructed under this charter to said lands, or contiguous thereto as aforesaid, within ten years from the passage of this bill, then any such conveyance of such lands shall be and become absolutely void, anything in the conveyance to the contrary notwithstanding, and the grantee shall have no right to enter upon or take possession of such lands until the conditions aforesaid are complied with.

§ 16. That it shall be lawful for said company to receive, lease, purchase, or otherwise acquire, hold, use, and enjoy all such real estate and personal property or mixed property as may be convenient and desirable for constructing, operating, or equipping said railroad and a line of telegraph along the same, or which may be conveyed to it in payment of stock subscriptions, or which may be purchased by it, and may bargain, sell, and convey as a natural person.

§ 17. That said company may make contracts with any corporation or person for constructing or equipping said road or any part of the same, and pay therefor, in whole or in part, in the stock, bonds, or other property of said company.

§ 18. That it shall be lawful for the corporate authorities of any incorporated town or city into or through which said railroad may be located, to grant to said company the right of way into or through said town or city to construct its said railroad on, upon, or under any public street in such city or town, such grant of the right of way to be made upon such terms and conditions as may be agreed upon between said company and the corporate authorities of such city or town, and if they cannot agree, the company may have a right of way condemned as provided and set forth in section twelve.

§ 19. That the board of directors and officers of said company shall have the power to establish such rates of tolls for the conveyance of persons and property on the

said railroad as it may deem proper; but not, however, to exceed the rates charged by other similar roads for like services.

§ 20. That the subscriptions of stock shall be paid in such installments, and at such times as may be directed by the board of directors of said company: *Provided*, That no payment shall be demanded until at least thirty days' notice of such demand shall have been given by said board of directors, by printed handbills posted up at the court-house door, and five other public places in each county into which said railroad runs; and if any subscriber shall fail or refuse to pay any installment or part of said subscription demanded according to the provisions of this section, the same may be recovered in an action in the name of said corporation against such defaulting subscriber, in any court having jurisdiction of the amount to be recovered; and in all such actions, publication as directed in this section shall be the only demand necessary to be proved: *And provided further*, It shall be lawful to receive subscriptions to the capital stock of said company, payable in such work in the construction of said road or property as may be accepted by the company: *Provided*, That no subscription to the capital stock of said company, or donation made thereto, shall be binding unless the work upon said road shall be commenced within five years from the time of such subscription or donation.

§ 21. This act shall take effect and be in force from and after its passage.

Approved April 8, 1884.

CHAPTER 656.

AN ACT to incorporate the Huffman Mill Turnpike Road Company, in Fayette county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John H. Wallace, Michael Hagan, William T. Sprake, James M. Coyle, Thomas R. Gardner, and their successors, be, and are hereby, created a body-corporate and politic, under the name and title of the Huffman Mill Turn-

turnpike Road Company; and by said name and style shall have perpetual succession, and may sue and be sued, plead and be impleaded, make contracts, acquire, and transfer property, and possess the same powers in such respects as private individuals now enjoy. They shall have all of the rights and privileges conferred by chapter fifty-six of the General Statutes, entitled "Incorporated Companies," so far as the same relates to the construction of works of internal improvement.

§ 2. The capital stock of said company shall not exceed eight thousand dollars, which stock shall be applied to the construction and operation of a turnpike road beginning at the school-house on the Russell pike, and running thence over the old bed of the Huffman Mill dirt road to the Georgetown dirt road, a distance of about three miles.

§ 3. The capital stock of said company shall be divided into shares of fifty dollars each, which shall be paid as the work progresses, on the call of the president and board of directors. Shares may be transferred by written assignment upon the books of the secretary, and when any stockholder shall have transferred all of his stock, said stockholder shall cease to be a member of the corporation.

§ 4. The stockholders at their annual election, on such day in the month of May of each year as may be determined by the by-laws of said company, shall from their number elect a president and four directors, who shall continue in office for one year, or until their successors are elected. At said elections each share of capital stock shall be entitled to one vote, and stockholders may vote by written proxy. The president and directors shall appoint a secretary and treasurer.

§ 5. The indebtedness of said corporation shall not exceed one-half the amount of the capital stock; and the private property of stockholders shall be exempt from corporate debts. The company may have a common seal, and change the same at their pleasure.

§ 6. The president and directors shall adopt such by-laws and regulations as are necessary to construct and manage a turnpike.

§ 7. This act shall be in force from and after its passage.

Approved April 8, 1884.

CHAPTER 657.

AN ACT to amend the charter and laws of the town of Bellevue, Campbell county, and authorizing the said town to issue street improvement bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

ARTICLE I.

§ 1. That the town of Bellevue, in Campbell county, Kentucky, is hereby duly authorized to issue bonds of the said town of Bellevue, to be called street improvement bonds of the town of Bellevue.

§ 2. The board of trustees of the said town is hereby vested with full power to cause the opening and improvement in the original construction of any street, or part of a street, lot less than one square, alley, lane, road, avenue, or thoroughfare in said town, by grading, paving, curbing, macadamizing, graveling, or other manner or other material, upon a petition of the owners of a majority of front feet abutting on that part of a square or squares of the street, et cetera, to be improved. Said board of trustees may, however, cause said improvement to be made without such petition, if the said board unanimously concur therein, on a call of the yeas and nays, which shall be recorded on its journal.

§ 3. The grade of the street, et cetera, to be improved shall first be established, and an estimate of the work required to be done thereon ascertained before the ordinance providing therefor shall be passed, and the expense thereof, including the intersections and crossings adjoining, which shall be added thereto, and distributed pro rata thereon, to be fixed before any contract shall be entered into by said city for said improvement; said grade, estimate, and expense shall be embraced in and form part of said contract. All work done and material furnished for such improvement shall be under the inspection and supervision of said board and a civil engineer appointed by said board, whose duty it shall be to see that all work is done and material furnished in accordance with the contract.

§ 4. Said board of trustees shall advertise for bids for such improvement, according to said plans and specifica-

tions on file in the office of the town clerk. At the next regular meeting after such advertisement, said board may receive bids for such work, and award the contract to the lowest and best bidder, reserving the right to reject any or all bids.

§ 5. Upon the awarding of such contract said board shall enter into a written contract with the contractor whose bid has been accepted, conditioned according to said plans and specifications; the work to be done under the inspection and subject to the approval of said board and said engineer. A lien is hereby granted to said town for said contractors on all the property fronting and abutting on any such street so proposed to be improved, for the payment of said work and material from the time said contract is awarded, and may be enforced as other liens are enforced: *Provided*, That the course hereinafter specified shall in no event destroy the lien the town may have by virtue of this act. Said contractor shall be paid within sixty days from the time the said work is completed and accepted by the said board and engineer.

§ 6. Said board shall, upon the awarding of such contract, cause the bonds of said town to be issued in an amount equal to the amount of the contract, in such denominations as said board may determine. Said bonds shall be issued in book form, with stubs attached, showing the number of the bond, the name of the street, the squares or lots to be improved, the amount of the bond, the date of issue, and the name of the holder. Said bonds shall run for two years from date of issue; shall be made payable at some place to be named in the bonds and chosen by said town; they shall recite this act by its title and date of approval, and shall show that a lien is reserved on the property to be improved, reciting the street or squares; they shall be called "Street Improvement Bonds of the Town of Bellevue;" they shall be numbered, commencing with the number one; they shall bear interest from date, payable annually, and shall have interest coupons attached for each annual installment of interest; the coupons of each bond shall be numbered serially from one to ten inclusive. Each.

of said bonds shall be signed by the president of the board of trustees, and countersigned by the town clerk, and shall have the seal of the town affixed thereto. Each of said coupons shall be signed by the town clerk. Said bonds and coupons shall be made payable to bearer, shall pass by delivery, and when issued and disposed of as herein provided, shall have the force and effect, and be placed upon the same footing, as bills of exchange. Said bonds, when prepared, or portions of them, as squares or parts of streets may be improved and accepted from time to time, may be disposed of by the board of trustees to the contractors or any one else, at not less than their par value.

§ 7. It shall be the duty of the said engineer, upon the awarding of the contract, to ascertain the expense of the work per front foot, including intersections and crossings on such improved streets, and distribute the same pro rata on the front foot of lots abutting on such street.

§ 8. Said board shall, before the improvement is made, cause an abstract to be made ascertaining the present owners of all lots abutting on the street to be improved, the cost of the same to be taxed in the estimate, and upon the engineer's estimate of the cost per front foot, the town clerk shall annually, when he makes out the regular tax-bills of the town, make out the tax-bills of the owners of real estate fronting and abutting on such street, in such a manner as to pay off the lien against such realty for such improvement in ten years, attaching the same to the amount due from the taxpayer for city purposes, including the interest on the sum unpaid each year; and such tax-bills shall be a lien on such realty for the total amount of the estimate and interest thereon: *Provided*, That any owner may pay off the amount assessed against him within sixty days after the work is accepted as completed, as above set forth: *And provided further*, That such owner may pay the amount due from him at any time by paying one year's interest thereon, and said town shall have the right to redeem any such bond so issued at any time by paying one year's interest thereon.

§ 9. The amounts so received by the said town annually

shall be used only in paying the interest and redeeming the bonds at maturity, and shall be used for no other purpose.

ARTICLE II.

§ 1. The town of Bellevue is hereby established as a separate school district, and shall, through its proper officers, report direct to Superintendent of Public Instruction, and receive the State money due said town immediately, instead of reporting to and receiving the money from the school commissioner of Campbell county, as heretofore.

§ 2. All pupils attending the public schools of Bellevue, who do not reside in the town, shall be required to pay tuition, the sum to be regulated and declared by the board of trustees each year, and ascertained by the estimate of school expenses pro rata among the pupils of the said town.

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 8, 1884.

CHAPTER 658.

AN ACT to authorize the Owen county court and the Carroll county court to sell and convey certain real estate.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county courts of Owen and Carroll counties be, and they are hereby, authorized to sell certain real estate, lately used as a toll-house, at the Liberty Station bridge, in Carroll county, and owned jointly by said two counties.

§ 2. The judge of the Owen county court and the judge of the Carroll county court are hereby authorized to appoint a commissioner or commissioners to convey said property, when the same shall have been sold, and the purchase-money fully paid.

§ 3. This act shall take effect from and after its passage.

Approved April 8, 1884.

CHAPTER 659.

AN ACT to incorporate the Flemingsburg and Helena Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby created a body-politic and corporate, under the name and style of the Flemingsburg and Helena Turnpike Company, for the purpose of constructing and maintaining a turnpike road from Flemingsburg, Fleming county, Kentucky, to Helena, in Mason county, Kentucky ; and by that name the incorporators and stockholders shall have perpetual succession, sue and be sued, plead and be impleaded ; shall be capable of holding their capital, and the increase and profits thereof, and of holding and taking, by purchase or gift, all such lands, tenements, hereditaments, and real and personal property, as may be necessary for the prosecution of their work or the objects of the corporation ; to have and use a common seal, and generally to do any act, matter, or thing which a corporation may lawfully do.

§ 2. The capital stock of the company shall consist of any number of shares of stock of the value of fifty dollars each, not exceeding four hundred.

§ 3. Books for the subscription of stock shall be opened by David Early, Jas. Grimes, O. L. Wells, David Willson, and W. H. Hendrick, jr., who are hereby appointed commissioners for that purpose ; and the subscribers to the stock of said company shall enter into an obligation as follows in the books of said commissioners : " We, whose names are hereunto subscribed, promise to pay to the order of the president and directors of the Flemingsburg and Helena Turnpike Company the sum of fifty dollars for each share of stock subscribed by us and set opposite our names, in such proportions, and at such times, as shall be required by said corporation." When the sum of six thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of any two or more of the commissioners named in this section to give notice, in such manner as they may deem expedient, for a meeting of the

stockholders, at such time and place as the notice may specify, for the purpose of electing a president, four directors, and a treasurer. One vote shall be allowed for each share of stock, and the officers so elected shall continue in office for one year, or until their successors are elected and qualified. The manner of giving the notice, and the place of all elections after the first, shall be fixed by the president and directors; but the day of election shall be the same in each year: *Provided*, That the stockholders may change the time of their annual meeting, a majority of all votes concurring.

§ 4. Every president and director of said company, before he enters on the duties of his office, shall be sworn to well and truly discharge the duties of his said office to the best of his judgment, without partiality or prejudice

§ 5. The president and directors shall fix the grade and elevation of said road, the width of the part to be covered with stone. The president and directors may locate a toll-gate for collection of tolls at or near the junction of said road with the Flemingsburg and Helena Turnpike Road, or where the junction would be if said last named road is constructed; may fix the rates of toll, regulate and change the same; but the toll shall not be greater than the law permits on other turnpike roads in this State.

§ 6. All the income at any gate on said road shall be applied in aid of the construction of said road, until the same is completed. After the road is completed, the net profits thereof shall be paid pro rata semi-annually to the stockholders in said road.

§ 7. The president and directors, with their surveyors, engineers, artists, and chain-carriers, are hereby authorized and empowered to enter in and upon the lands and inclosures, public roads and highways, in, through, and over which the intended road may pass, and to examine and survey the ground most proper for that purpose; to examine quarries or beds of stone, gravel, and other material necessary for the construction of said road.

§ 8. It shall be lawful for the president and directors, with their superintendents, engineers, and workmen, with

their tools, instruments, carts, wagons, and other carriages, and their beasts of draught or burden, to enter upon the lands in and over, contiguous, and near to which said road shall pass, having first given notice of their intention to the owners or occupiers thereof, or their agents: *Provided*, That if the president and directors shall not agree with the owners of said land through which said road is to pass as to the damages the owner or owners may sustain by the road passing through their land, the president and directors may apply to the county courts of either Fleming or Mason county for a writ of *ad quod damnum* to assess the damages which may be sustained by the owner or owners of said land; and upon payment or tender of the damages assessed, it shall be lawful for the president and directors to open and make said road, and dig and carry away any stone, gravel, or other material necessary for the construction or repairing of said road.

§ 9. The president and directors may require payment of the stock subscribed at such times and in such installments as they shall deem necessary; and any stockholder failing to pay the amount of the call upon him for thirty days after the same shall become due and payable, shall pay, in addition thereto, one per cent. on said amount, and two per cent. per month for every month the subscription remains unpaid thereafter.

§ 10. The president and directors shall deliver a certificate, signed by the president and countersigned by the treasurer, to each share-holder for each share by him subscribed, which certificate shall be transferable on the books of the company, in person or by attorney; but no share shall be transferred until all arrearages thereon are paid.

§ 11. The treasurer of the company, before he enters upon the duties of his office, shall give bond and security as the president and directors may require, payable to them, conditioned to pay over any amount in his hands, or that may come to his hands upon the order of the president and directors.

§ 12. The county courts of Fleming and Mason counties shall have the power to subscribe a sum not exceeding two

fifths of the estimated cost of said road for such portions of the road as lies within the respective counties, which shall be regarded as other stock.

§ 13. The president and board of directors may adopt by-laws suitable to the control and management of their affairs, not inconsistent with this charter and the general law.

§ 14. No person shall be charged toll while going to or from church on the Sabbath day.

§ 15. No person who is not a share-holder in said corporation shall be allowed to vote at any election or hold any office in the company, nor shall any stockholder vote, or be entitled to any of the rights of a member of said company, unless the whole amount due and payable as aforesaid on each share by him held, shall have been paid agreeable to the requisitions of the president.

§ 16. This act shall take effect from its passage.

Approved April 8, 1884.

CHAPTER 660.

AN ACT to incorporate the Dayton and Bellevue Water Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. B. Carothers, J. K. Dimick, W. L. Davis, Thos. Ford, and John Trapp, their associates and successors, are hereby made a corporation or body-politic, to be known as the Dayton and Bellevue Water Company; with power and authority to construct, establish, and operate, in or near the city of Dayton and the town of Bellevue, in Campbell county, water-works for the purpose of supplying said city and town and their inhabitants with water.

§ 2. The capital stock of said company shall consist of not more than one thousand shares of one hundred dollars each.

§ 3. The affairs of said corporation shall be managed by five directors, one of which shall act as president chosen by themselves; the majority of said directors to be citizens of Kentucky, all of whom shall be stockholders. They shall be chosen annually by the stockholders at such time and

place as may be designated by a by-law of the company. The board of directors may fill vacancies in their board. They may appoint such officers and agents as may be necessary to conduct the business of the company. The directors shall hold their offices until their successors are elected and qualified. A majority of them shall be a quorum for the transaction of business. At all the elections the stockholders may vote in person or by proxy authorized in writing, and each share of one hundred dollars shall entitle the holder thereof to one vote.

§ 4. The said company may lease, purchase, take, and hold, in fee-simple, any real or personal property necessary for the object of this incorporation, or for the convenient management of the affairs of this company. The corporation may acquire the right to lay pipes and aqueducts through any lands through which it may be necessary to lay the same, and to make needed repairs on the same. The company may erect such buildings, engines, machinery, and reservoirs as may be required for its use and purpose. If the owners or proprietors of any lands which the company may need for the purposes aforesaid, or the right of way through which the company may require for the laying of its pipes and aqueducts, do not agree with the company the price to be paid therefor, the company may acquire such lands or right of way by a writ of *ad quod damnum*, in the same way and manner in which turnpike road companies are authorized to do by the General Statutes.

§ 5. The company is hereby authorized to take water from the Ohio river and lay its pipes under or over any street railway or railroad track or highway; but the same shall be done in such a manner as not to obstruct or impede the passage thereon. In laying its pipes across or through any highway or street, on repairing same, care will be taken to leave such streets or highways in as good condition as before such pipes were laid.

§ 6. The company shall furnish water to the city of Dayton and the town of Bellevue for the extinguishment of fires and the cleaning of streets, upon such terms as may be agreed upon between the mayor and council of the city of

Dayton and the council of the town of Bellevue. It may furnish water to the inhabitants of said city of Dayton and town of Bellevue by the means of pipes or otherwise, if the mayor and council of the city of Dayton and the council of the town of Bellevue agree thereto, and for such time and on such terms as may be agreed upon by the company and the aforesaid city of Dayton and town of Bellevue. In the laying of pipes in the city of Dayton and the town of Bellevue the same shall be so laid that an abundant supply of water can be drawn for the extinguishment of fires and other purposes.

§ 7. The company is hereby authorized to sell the privilege of using the water conducted through its pipes to any corporation, factory, or person within reach of its pipe-lines in Campbell or Kenton counties, Kentucky; and may make all rules and regulations as to the manner and time in which said water may be taken and used, and for the preventing of waste thereof.

§ 8. If any person shall willfully and maliciously defile, corrupt, or make impure any water used by said company, or willfully destroy or injure any pipes, hydrants, valves, valve-boxes, reservoir, building, fountains, or any other property belonging to said company, such person or persons shall be liable in civil action to said company for the amount of damage caused thereby, to be recovered in any court having jurisdiction; and the so offending may, upon conviction, be imprisoned in the county jail not less than thirty days nor more than one year.

§ 9. The company may appoint one or more watchmen to guard and protect their reservoirs and other property.

§ 10. The company may issue its bonds in denominations of one thousand dollars each, with coupons; said bonds to be payable in not less than twenty nor more than thirty years, bearing interest at not less than five nor more than eight per cent. per annum, payable semi-annually, and may execute a mortgage on the property of the company for the payment of said bonds and interest thereon.

§ 11. The city of Dayton and the town of Bellevue may

take stock in said company through the mayor and council of the city of Dayton, whose stock is not to exceed fifteen thousand dollars, and through the council of the town of Bellevue, whose stock is not to exceed ten thousand dollars : *Provided, however,* That it does not conflict with the charter of said city or town.

§ 12. The company hereby incorporated shall complete said water-works in three years from date of the approval of this act, otherwise this charter shall be void and for nothing held.

§ 13. The company shall not have the right to lay its pipes in the city of Dayton or town of Bellevue until said city or town have consented thereto, by resolution or ordinance of their councils ; and the city of Dayton and town of Bellevue shall at all times have the authority to protect its inhabitants, by ordinance or otherwise, from exorbitant charges for water, and may declare a limit to said charges beyond which the company cannot go.

§ 14. This act shall take effect from its passage.

Approved April 8, 1884.

CHAPTER 661.

AN ACT to incorporate the Bank of Campbellsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established a Savings and Deposit Bank in Campbellsville, Taylor county, Kentucky, with a capital of fifty thousand dollars (\$50,000) in shares of one hundred dollars each, to be subscribed and paid for as hereinafter provided, and the subscribers of said stock, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of the Bank of Campbellsville, and shall so continue for fifty years from the date of its organization, unless sooner dissolved by a majority in interest of the stockholders therein, and shall have and may exercise all the rights and privileges of a natural person in contracting and being contracted with, and as such may sue and be sued, and plead, answer, and defend in any

court or place whatever; and may have and use a common seal, and change the same at pleasure.

§ 2. Said bank shall be under the control and management of a board of five directors, who shall be stockholders residing in the State of Kentucky, who shall hold their offices until their successors are elected and have qualified; and after the first election under this charter they shall be elected annually on the first Monday in July of each year, or as soon as practicable thereafter; and in case of a vacancy for any cause, the remaining directors may fill the same with other stockholders possessing the qualifications hereinbefore named; they shall elect one of their number president; they shall have power to sell any of the stock not subscribed for; to declare dividends arising out of the profits of the business of said bank; to appoint such officers, agents, and employes as may be necessary to properly conduct the business of said bank, and pay them for their services, and may take such bonds from the president, cashier, or other employes of said bank as they may deem necessary to insure a faithful performance of their respective duties, and may make and enforce such by-laws as may be necessary for their proper management and control of the affairs of said bank, provided the same be not inconsistent with the Constitution or laws of this State or of the United States.

§ 3. That J. N. Turner, John H. Chandler, James T. Caldwell, G. W. Redman, and E. M. Coakley are hereby constituted and appointed a board of directors for said bank, to hold office as such till their successors are elected and qualified; and they may fill any vacancy occasioned in their number, and shall provide for an election of directors by the stockholders within one year from the date of the organization of the bank. The directors aforesaid shall cause due and proper notice to be given to all the stockholders by publication in some newspaper printed in Campbellsville, or by written or printed notices, through the mails, of the proposed time and manner of holding said first election, at which every stockholder shall be entitled to cast one vote, in person or by proxy, for each share of stock owned by him, and on which he has paid in full all the called installments due at the date of said election.

§ 4. The board of directors, as named in section three of this act, may appoint one or more of their number to open books and take subscriptions to the capital stock of said bank; and to receive and hold in trust, for the use and benefit of the subscribers, any sums, not less than five dollars per share, that may be paid in by any subscriber, at or after the time of making said subscription, and before the organization of the bank; and as soon as one hundred shares of said stock shall have been subscribed for, they may organize said bank by electing a president and appointing a cashier; and may begin business as soon as ten thousand dollars of the capital stock has been paid in: *Provided*, That the said president and cashier shall first go before the county judge or some justice of the peace and make and subscribe to an oath (or affirmation) that said ten thousand dollars of capital has actually been subscribed and paid in.

§ 5. After the organization of said bank, the calls for payments of installments on the subscriptions of stock shall not at any one time exceed ten dollars per share, nor be made oftener than one call per month, and at least ten days' notice shall be given each subscriber of the time such installment will be due; and any share of stock, on which any called installment is at any time thirty days overdue, may be declared forfeited by the board of directors, after ten days' notice, in writing, to the owner thereof of their intention to forfeit same, provided the same still remains unpaid. All shares of stock so forfeited by the board shall be sold at public auction, after notice to pay, first, all such due or overdue installments to the bank, and the expenses of making the sale, and the remainder, if any, shall be placed to the credit of the stockholder on the books of the bank, and notice shall be given him of the amount thereof.

§ 6. The stock in said bank shall be deemed personal property, and shall be transferable only on the books of the bank by the stockholder, his agent or attorney, under such rules and regulations as the directors shall, from time to time, establish; and every stockholder shall be individually liable to the creditors of the bank for the full amount of the unpaid stock subscribed for and owned by him. But

when the said stock shall have been paid for in full, then no further liability shall attach to said stockholder in any event.

§ 7. Said bank when organized may receive deposits of gold and silver coin, bank notes, and all other notes which may be lawfully circulated as money, and repay the same in such manner and at such times as may be agreed on with the depositors by general or special contract; may transact a general banking business, loan money, discount paper, buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, and other evidences of debt; take personal, collateral, or other security for the payment of same, and dispose of such stocks, bonds, and securities in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved the sixteenth of March, one thousand eight hundred and seventy one; and all promissory notes payable in any incorporated bank in this Commonwealth, bills of exchange, or other papers which may be discounted by said bank, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the makers, drawers, indorsers, or other parties thereto.

§ 8 Said bank may acquire, use, and hold such real estate, goods and chattels, as may be necessary and convenient for the transaction of its business, or which may be conveyed to it as security for, or purchased in satisfaction of any debt, judgment, or decree, and may sell and convey the same; and may buy its own stock in satisfaction of any such debt, judgment, or decree, but must resell the same as soon as practicable.

§ 9. Said bank may receive deposits from minors and married women, and the receipts and acquaintances of such minors and married women shall be valid and binding.

§ 10. It shall be the [duty] of the president of said bank to pay, or cause to be paid, to the Auditor of State, on or before the tenth day of January of each year after the organization of said bank, fifty cents on each one hundred dollars of paid-up stock in said bank as ordinary revenue,

or proportionately on the amount of stock actually paid in, which shall be in lieu and in full of all taxes or bonus.

§ 11. The president, cashier, and directors shall, before they enter upon the duties of their respective offices, take an oath or affirmation that they will faithfully discharge the duties imposed upon them by this charter, or that may be hereafter required of them by any amendment or by-laws hereafter adopted.

§ 12. The cashier, clerks, and president of said bank will be required to execute such bond or bonds to said bank as her board of directors may require.

§ 13. This act shall take effect and be in force from and after its passage.

Approved April 8, 1884.

CHAPTER 662.

AN ACT to incorporate the Journeymen Plumbers, Gas and Steam Fitters' Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Cornelius Sheehan, Dennie Walsh, Patrick Cahill, Robert Duffy, Patrick McKandrew, Wm. Applegate, Wm. Jinks, Pat. McCue, John Thomas, Mike Eady, their successors and assigns, be, and they are hereby, created a body-politic, by and under the name of the Journeymen Plumbers, Gas and Steam Fitters' Association, with perpetual succession; with power to sue and be sued, plead and be impleaded, and to have a common seal and alter the same at pleasure.

§ 2. That said association is hereby empowered to contract and be contracted with, and to acquire by deed, gift, or will such property, real and personal, as may be necessary to the transaction of its corporate business, and to transfer the same by deed.

§ 3. That said association shall have power to establish a constitution and by-laws prescribing the qualification of members, the names and duties of officers, the fee for admission, and the terms for which its officers are elected,

and the time at which they are to be elected, and to make all rules and regulations deemed expedient for the management of its affairs not inconsistent with the Constitution or laws of this State or of the United States.

§ 4 That the highest amount of indebtedness or liability to which this association is at any time to subject itself shall be five thousand dollars.

§ 5. That the general purpose of this association is to protect the plumbers, and gas and steam fitters, to take care of its sick and disabled members, and to do all things necessary thereto.

§ 6. That its general place for transacting business shall be Louisville, Kentucky.

§ 7. That the private property of the incorporators and members of this association shall be exempt from corporate debts.

§ 8. This act shall take effect from and after its passage.

Approved April 8, 1884.

CHAPTER 663.

AN ACT authorizing the Nicholas county court to lev any ad valorem tax for county purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Nicholas county court be, and it is hereby, authorized and empowered to levy an ad valorem tax, not to exceed fifteen cents in any one year on each one hundred dollars' (\$100) worth of the taxable property of said county, for the purpose of paying the deficit, and its accumulated interest, due county creditors on claims allowed by the court of claims of said county for the years one thousand eight hundred and eighty-one and one thousand eight hundred and eighty-two, and any deficits that may hereafter occur by reason of the county levy being insufficient to pay such claims.

§ 2. The sheriff of said county shall collect said tax at the same time he collects the State revenue, and out of the same pay off and discharge said unliquidated claims and

interest, if any; and on or before the first Monday in April succeeding, he shall make a settlement of his accounts, as such tax-collector, with the county judge of said county, and pay over any balance that may remain in his hands on the order of said judge. Said sheriff shall be responsible on his official bond for the faithful collection and payment of said tax, and shall receive the same compensation for his services that he receives for collecting the State revenue tax.

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 8, 1884.

CHAPTER 664.

AN ACT for the benefit of Pendleton county.

WHEREAS, The county court of the county of Pendleton, at its November term, one thousand eight hundred and eighty-three, authorized the county receiver of said county to borrow a sum of money not exceeding fifteen thousand dollars; to pay or assist in paying county indebtedness that now exist or may hereafter be contracted. Now, to legalize said order, and give said receiver full power to act in the premises,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said receiver is hereby authorized to borrow not exceeding fifteen thousand dollars in money, at a rate of interest not exceeding seven per cent. per annum, for a length of time not exceeding two years from the time borrowed, and to execute his note as county receiver for the amount or amounts so borrowed. Said notes, when executed by him to be valid claims to the extent thereof against the said county, to be paid by the county court thereof as hereinafter provided.

§ 2. Said receiver must file copies of the note or notes executed under this act with the county clerk of said county, whose duty it shall be to record same in the order-book of the county court.

§ 3. The county court of said county, a majority of the justices being present, and a majority present concurring therein, are hereby authorized to direct their receiver or sheriff to pay the indebtedness created under this act out of any funds that may be in their hands not otherwise appropriated; and if there be not sufficient thereof, they may impose an ad valorem tax on the taxable property of said county not exceeding twenty cents on each one hundred dollars' worth of property in said county. Said tax to be collected by the sheriff of said county, he to be liable on his county levy bond therefor, and when collected to be appropriated in payment of said indebtedness.

§ 4. Said receiver shall not borrow any money under this act until he shall have executed before the clerk of said county a bond to the county court, approved by the county judge of said county, conditioned that he will faithfully perform his duties under this act, and pay over to the persons entitled to receive the same any money that may be owing by the county to them, at such times as the county court may by its orders direct.

§ 5. This act to be in force from and after its passage.

Approved April 8, 1884.

CHAPTER 666.

AN ACT to charter the Athertonville and Otter Creek Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated for the purpose of constructing a turnpike road from Athertonville to the mouth of Otter creek, in Larue county. The name and style of said company shall be the Athertonville and Otter Creek Turnpike Company; by that name shall have perpetual succession, with power to contract and be contracted with, sue and be sued, and all other powers incident to corporations of this character.

§ 2. The following persons are hereby appointed commissioners to open books and receive subscriptions to the

capital stock of said company, viz: John Atherton, Alex. Mayfield, Jett Dawson, Joseph Tinley, Alex. Howard, Austin Howard, and N. A. Rapier, any three of whom may act.

§ 3. The capital stock of said company shall be divided into shares of fifty dollars each, and the entire capital stock of said company shall not exceed the amount necessary to construct said road and erection of toll-houses and gates, and other necessary buildings and appliances.

§ 4. When a sufficient amount of stock shall be subscribed to justify the beginning the work on said road, the commissioners, or such of them as may act, shall, at such time and place as they deem proper, call a meeting of the stockholders, and hold an election for a president and four directors for one year, or until their successors are elected and qualified.

§ 5. The width of the road and the width of that part covered with metal, and the depth of the broken metal, the size thereof, and the grade of said road, as also the elevation, shall be determined by the directors, a majority of whom shall constitute a quorum to transact business.

§ 6. Said directors shall locate said road on the most practicable route for that purpose; may, with their engineers, chain-carriers, and other hands, enter upon the lands and highways along said route and lay off and locate the same. Said company may also go upon the lands or inclosures contiguous or near to their road to examine any land, quarries of stone; and if the directors and owner or owners of said land, or other necessary material to construct said road, or any part thereof, or any bridge or culvert thereon, fail to agree upon the value thereof, the president of said company may, in the name of the company, apply to and obtain from the county court of the county in which the land or material is situated a writ of *ad quod damnum* to assess the damages to the land or value of the material to be used; and after a tender of the amount of damages assessed to the owner, the company, with every appliance necessary in the construction of said road, enter upon such lands and make said road.

§ 7. It shall be the duty of the president and directors to appoint one of their number treasurer, who shall execute bond, with approved security, and shall be responsible for all moneys of the company. He shall keep an accurate account of the receipts and expenditures of said company in a book kept for that purpose, which shall be open to the inspection of any stockholder at any time.

§ 8. In the establishment and erection of gates and collection of tolls, said company shall be governed by chapter one hundred and ten of the General Statutes.

§ 9. This act shall take effect from and after its passage.

Approved April 8, 1884.

CHAPTER 668.

AN ACT to incorporate the Cabin Creek and Rectorville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Garrett, Scott Fletcher, Henry V. Rigen, Valentine McClure, and L. T. Cole, and their successors, be, and they are hereby, created a body-politic and corporate, under the name of the Cabin Creek and Rectorville Turnpike Road Company; and by that name shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places within the Commonwealth of Kentucky, and shall have perpetual succession.

§ 2. Said company is authorized and empowered to construct a turnpike road from Cabin Creek to Rectorville, said turnpike to be located on the most practicable route between these two points.

§ 3. The business affairs of said company shall be conducted by a board of directors, five in number, who shall choose one of their own number as president and another secretary and treasurer. Said board shall hold their respective offices for the term of one year, or until their successors are elected and qualified.

§ 4. The said corporators, or such of them as shall act, may open books for the subscription of stock and call meet-

ings to organize said company. It shall be the duty of the company to hold a stockholders' meeting each year, on the first Saturday in May, for the election of directors, and a special meeting of the stockholders may be held at any time upon a call of the board and reasonable notice to the stockholders. None but stockholders shall be eligible as president or directors.

§ 5. The capital stock of said company shall be divided into shares of twenty-five dollars each, and shall not exceed the amount necessary to construct said road. The board of directors, when same shall have been chosen, and their appointed agents, are authorized to solicit subscriptions to the capital stock of said company.

§ 6. Said company shall have power to erect one toll-gate on said road, and shall have all the powers conferred by, and be subject to the provisions of, chapter one hundred and ten of the General Statutes, and amendments thereto, and shall charge toll only in proportion as the length of the road finished bears to five miles.

§ 7. This act shall take effect from its passage.

Approved April 8, 1884.

CHAPTER 669.

AN ACT to incorporate the Hickory Ridge Turnpike Road Company, of
Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That James Chamberlain, William E. Wells, William Chamberlain, Thomas B. Chandler, and Wm. Marsh, and their successors, be, and they are hereby, created a body-politic and corporate, under the name of the Hickory Ridge Turnpike Road Company; and by that name shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places within the Commonwealth of Kentucky; and shall have perpetual succession.

§ 2. Said company is authorized and empowered to construct a turnpike road in Mason county, Kentucky, between.

a point on the Maysville and Bracken Turnpike Road, near the dwelling-house of Mrs. Susan Ricketts, and near the Lawrence creek bridge, on said turnpike, and a point on the Kenton Station Turnpike Road, near the residence of Mrs. Morton. Said turnpike shall be located on the most practicable route between said two points.

§ 3. The business affairs of said company shall be conducted by a board of directors, five in number, who shall choose one of their own number as president, and another as secretary and treasurer. Said board shall hold their respective offices for the term of one year, and until their successors are elected and qualified.

§ 4. The stockholders in said company shall hold an election on the first Saturday in April, one thousand eight hundred and eighty-four, and on the same day in each year thereafter, to select the board of directors for said company; and at such election each stockholder shall be entitled to one vote for each share of stock he may own.

§ 5. The capital stock of said company shall be divided into shares of twenty-five dollars each, and shall not exceed the amount necessary to construct said road. The above named incorporators, or any of them, and any of the members of the board of directors, when same shall have been chosen, are authorized and empowered to solicit subscriptions to the capital stock of said company.

§ 6. No one shall be a member of the board of directors of said company who is not a stockholder therein.

§ 7. The president of said company may call a meeting of the board of directors, at any time he may deem it necessary, for the transaction of any business connected with the building or operation of said road.

§ 8. This act shall take effect from and after its passage.

Approved April 8, 1884.

CHAPTER 670.

AN ACT to amend an act, entitled "An act to charter the Southern Exposition, at Louisville," approved March sixth, one thousand eight hundred and eighty four.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section nine of the act incorporating the Southern Exposition, at Louisville, approved March sixth, one thousand eight hundred and eighty-four, be amended as follows: That out of the proceeds of the bonds named in chapter four hundred and thirty-four, approved March twentieth, one thousand eight hundred and eighty-four, entitled "An act to legalize and make valid one million five hundred thousand dollars of four per cent. coupon bonds of the city of Louisville," prepared and issued under an ordinance voted upon by the voters of said city on the nineteenth day of May, one thousand eight hundred and eighty-three, the common council of the said city of Louisville may, by joint resolution, use not exceeding twenty thousand dollars of said bonds, or the proceeds thereof, in payment for any subscription to the capital stock of the Southern Exposition, at Louisville.

§ 2. In case the said city of Louisville shall make any subscription to the capital stock of the said Southern Exposition, the common council may provide that the same shall not be presently payable, but may be made a charge upon said city, to be and become payable after the close of the present fiscal year, any provision in the charter of said city to the contrary notwithstanding.

§ 3. This act shall take effect from and after its passage.

Approved April 9, 1884.

CHAPTER 671.

AN ACT to prevent the sale and gift of spirituous, vinous, or malt liquors within two miles of Hunnewell Furnace, in Greenup county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful, from and after the passage of this act, for any person or persons to vend, sell,

loan, or give to any other person or persons any spirituous, vinous, or malt liquors, ale or beer, or any mixture of either, within a radius of two miles of Hunnewell Furnace, in Greenup county: *Provided, however,* That nothing in this act shall be construed to prevent families from dispensing the ordinary family hospitalities, nor the use of stimulants in the prescriptions of physicians in their practice.

§ 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, upon warrant of a justice of the peace, police judge, or county judge of said county, shall be fined not less than twenty dollars nor more than fifty dollars, and all costs for each offense.

§ 3. This act shall take effect from its passage.

Approved April 8, 1884.

CHAPTER 672.

AN ACT to incorporate the Greer's Creek and Kentucky River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created, under the name and style of The Greer's Creek and Kentucky River Turnpike Road Company, for the purpose of making a macadamized road from a point on the Versailles and Shryock's Ferry Turnpike Road, at or near Greer's Creek Church, over the most practicable route, to the Versailles and Anderson Turnpike Road, and also from a point on said route, over the most practicable way, to the Kentucky river; and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, and have perpetual succession.

§ 2. Said road shall be under the control and management of four directors, one of whom shall be chosen president by said directors, and said directors shall be elected annually by the stockholders on the first Saturday in April of each year.

§ 3. The capital stock of said company shall be ten thousand dollars, or such sum as may be necessary to construct

the road, to be divided into shares of fifty dollars each; and each stockholder shall be entitled to one vote for each share held by him.

§ 4. That James W. Brookie, Davis W. Edwards, William Utterback, and E. M. Wallace, are constituted a board to act until the first election of directors; and they may at any time and place open books, and receive subscriptions of stock in said company; and when stock enough has been subscribed to build one mile of said road, said board may organize said company.

§ 5. Said company shall have all the rights and privileges conferred by the general laws of the State upon similar companies, for all purposes, and for procuring and condemning the right of way and materials for said road, the violation of their chartered rights, and the safety and preservation of their property.

§ 6. When two miles of said road shall have been completed, a gate may be erected thereon, at which toll may be collected, but such toll shall not exceed the rates now allowed by law; and as each additional two miles of said road may be completed, other gates may be erected thereon, and toll collected as herein provided.

§ 7. The grade of said road, and the width and depth of the metal upon the same, shall be regulated and determined by the incorporators.

§ 8. This act shall take effect and be in force from and after its passage.

Approved April 8, 1884.

CHAPTER 673.

AN ACT to incorporate to the Bruner's Chapel and Cedar Grove Turnpike Road Company, in Mercer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created a body-politic and corporate, by the name and style of the Bruner's Chapel, Liberty, and Cedar Grove Turnpike Road Company, for the purpose of constructing a turnpike road from or at a point

in the Harrodsburg, Baton Rouge, and Maxville Turnpike Road, near Bruner's Chapel, by way of Liberty and Cedar Grove school houses, or as near the latter places as a practicable route can be found; thence the most practicable route to a point in the Washington and Mercer county line, running in the direction of the Maxville and Willisburg Turnpike.

§ 2. That the capital stock of the company shall be eight thousand dollars, and may be increased or diminished at the pleasure of the company; and shall be divided into shares of twenty-five dollars each, and of which the county court of Mercer is authorized to subscribe a sum, not exceeding fifteen hundred dollars per mile, for the entire length of said road.

§ 3. That John Whitenack, James H. Carey, Vincent Warner, Buckner Hale, John R. Elliott, J. M. Leonard, Huston Gabhart, Henry Sallee, O. P. Sallee, James C. Bottom, Felix Noel, John Cloyd, Wm. Watts, and Grayson Bottom, be, and they are hereby, appointed commissioners to open books and solicit subscription to stock of said company; but before said commissioners or any number of them, shall proceed to solicit or receive such stock subscription, written notice, signed by at least three of said commissioners, shall have been posted along the line of said proposed turnpike road for at least ten days previous to the time of meeting, stating when and where such meeting shall be held. One of their number present at such meeting shall be chosen as chairman, who shall have power to appoint a secretary, and a majority of those present may elect who and how many of their number shall solicit and receive stock to said road company; and when five hundred dollars has been subscribed, the chairman of the board of commissioners aforesaid may, by written notice, posted in the vicinity of the stockholders, call the same together, when they shall proceed to elect five directors, who shall then proceed to elect one of their number president, a majority of whom shall be competent to do business, and to do all things authorized by this act to be done by the

president and board of directors; and the management of the fiscal and prudential affairs of said company shall be confided to said president and directors, and their successors in office, to be chosen annually, at such time and place as said president and directors may, from time to time, appoint, and who shall hold their office for one year, and until their successors are elected and qualified.

§ 4. No person shall be eligible as president or director who is not the owner of one or more shares of stock in said road, and in the election of said directors each stockholder shall be entitled to one vote for each share of stock so owned, and may be cast in person or by written proxy.

§ 5. The president and directors shall have the power to appoint a treasurer, gate-keeper, and all other officers or agents which may be deemed necessary to effect the purpose of this act and to remove them at pleasure; they may require the treasurer and all other officers or agents appointed by them to execute bond and security, in such sum as they may deem proper, conditioned for the faithful performance of the duties incumbent on them as such.

§ 6. The commissioners appointed as provided in section three of this act, shall purchase a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book, namely: We whose names are hereto subscribed do promise to pay to the president and directors of the Bruner's Chapel, Liberty, and Cedar Grove Turnpike Road Company the sum of twenty-five dollars for each and every share of stock in said company set opposite our names, in such manner and at such times as shall be by them required, and as set forth in an article of subscription, hereby waiving all homestead and exemption laws in the collection of the same. Witness our hands this — day of —, one thousand eight hundred —

§ 7. The width of grade, the width and depth of the metal on said grade, as well as the size of broken metal, also the degree of elevation to which said road shall not exceed, shall be determined by the president and board of directors; and whenever as much as two consecutive miles of said road is completed, the company may erect a toll-gate thereon,

and collect toll pro rata as now allowed by General Statute, and shall have the right without further enactment to remove and locate toll-gate and erect toll-house as shall best subserve the interest of said company: *Provided*, That no such toll-gate shall be erected nearer than one-half mile to the corporate limits of any town through which said road may be built.

§ 8. The president and directors of said road shall have the right and power to acquire the right of way for said road to locate and lay out the same, and may take steps authorized by the General Statute to condemn the land over which the same may run, not to exceed forty feet in width, and for toll-gate sites, as also material from adjacent lands for the constructing and repairing same.

§ 10. This act shall take effect from its passage.

Approved April 8, 1884.

CHAPTER 674.

AN ACT to amend the charter of the Flemingsburg and Mayslick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Flemingsburg and Mayslick Turnpike Road Company be, and the same is hereby, so amended that the stockholders on that portion of the road from Flemingsburg to the point of intersection with the Elizaville and Helena Turnpike Road be, and they are hereby, permitted to organize under said original charter as a separate and independent company, under the name of the Flemingsburg and Johnson's Junction Turnpike Road Company, and with all the powers conferred by the aforesaid original charter, and with all necessary powers, rights, and privileges to complete said turnpike road from Flemingsburg to Elizaville and Helena Turnpike Road, where it intersects with dirt road; and when the same, or two and one half miles of same, shall be completed, said new organization shall have a right to erect a toll-gate, and charge for all travel on same, according to the distance traveled on said road, at the rates fixed by the original charter.

§ 2. The president and directors may locate a toll-gate for collection of tolls at or near the junction of said road with the Flemingsburg and Helena Turnpike Road, or where the junction would be if said last named road is constructed.

§ 3. This act shall take effect from and after its passage.

Approved April 8, 1884.

CHAPTER 675.

AN ACT to regulate the selling, lending, procuring for, or giving of spirituous, vinous, or malt liquors to any person within the corporate limits of the town of Catlettsburg, in Boyd county, and within three miles distance of the corporate limits of said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons to sell, lend, procure for, or give to any other person or persons any spirituous, vinous, or malt liquors, in any quantity whatever, within the corporate limits of the town of Catlettsburg, in Boyd county, Kentucky, aforesaid, or within the limits of three miles distance from the corporation line of said town, except as hereinafter provided.

§ 2. Any person or persons who shall be found guilty of selling, lending, procuring for, or giving to any other person or persons, any spirituous, vinous, or malt liquors, in any quantity whatever, directly or indirectly, within the corporate limits of said town of Catlettsburg, or within the limits of three miles distance from the corporation line of said town, except as hereinafter provided, shall be fined sixty dollars for every such offense; and every such selling, lending, procuring for, or giving shall constitute a separate offense.

§ 3. Any shift or device for the purpose of evading the provisions of this act, and the establishment of resorts for the purpose of procuring or drinking any intoxicating liquors, such as club-rooms, or by any other name, within the limits aforesaid, shall be deemed to be unlawful; and every sale or delivery to, or handing out of, such intoxi-

cating liquors by any club-room keepers, or tender to any person, shall constitute a violation of this act, and subject the offender to the penalty prescribed in section two of this act.

§ 4. The keepers or tender of any resort wherein intoxicating liquors are kept for the purpose of vending, giving away, keeping for, or issuing to others, shall be deemed a violation of this act, and each day or part of a day or night he so keeps same shall be a separate offense, and subject him to the penalty prescribed in said section two of this act.

§ 5. It shall be unlawful for any person to rent his property to another for the disposition of the inhibited liquors, or to use his own property for that purpose; and such use of the property by a lessee shall work an immediate forfeiture of his rights under the lease; and should any landlord permit his property to be so used within the limits aforesaid, after knowledge of the fact has been brought home to him or his agent, if a non-resident of the State or county, and he has a resident agent, without taking immediate steps in good faith to dispossess such tenant, he shall be deemed a violator of this act, and shall, for each week he allows such tenant to carry on such business after such knowledge, and without honest effort to dispossess him, be subject to a fine of sixty dollars, which, when assessed, shall be a lien on the real estate where such violation occurred, enforceable by appropriate action in the name of the Commonwealth in the Boyd circuit court. If the owner of the property is a non-resident of this State, service of process upon his agent shall be sufficient to bring him before the court for a violation of this act.

§ 6. The provisions of this act shall not apply to the wholesale dealer who, in good faith, and in the course of trade, sells by the wholesale.

§ 7. All general and special acts, or parts of acts, authorizing the county court of Boyd county to grant license or privilege to vend spirituous, vinous, or malt liquors to any tavern or hotel, or any authority given said court, or the clerk thereof, to grant a coffee-house license within said town

and limits aforesaid, are hereby repealed, except it is not intended hereby to repeal or affect an act, approved February twenty-eighth, one thousand eight hundred and seventy-two, to regulate sale of spirituous liquors in Boyd county, or the amendatory act thereto, approved April seventh, one thousand eight hundred and eighty-two.

§ 8. All laws of a general or local nature, inconsistent with or repugnant to this act, are hereby repealed, so far as they may be applicable to said town, and within the limits of three miles from the corporation line of said town, and no construction shall be given to any such law or laws as shall in anywise permit the selling, lending, procuring for, or giving of spirituous, vinous, or malt liquors within said corporate limits, or within the limits of three miles from the corporation line of said town.

§ 9. This act shall not be considered as affecting any of the provisions of the general laws of the State, or the charter of the town of Catlettsburg, in reference to the giving to or procuring intoxicating liquors for a minor or an inebriate, and all penalties therein prescribed for said offenses, and all rights of suit given to others for a violation of said laws, shall still be in force as if this act had not been passed.

§ 10. The circuit court of Boyd county and the Catlettsburg police court shall have concurrent original jurisdiction of offenses under or infractions of this act. Such prosecutions shall be by warrant from the said police court, in the name of the Commonwealth, or by indictment by the grand jury in the circuit court aforesaid. Appeals from the judgment of said police court to the Boyd circuit court may be taken in the same manner now provided by law in cases of misdemeanor.

§ 11. That it shall be the duty of the county judge of the Boyd county court, upon a written petition signed by at least twenty of the legal voters for trustees of said town of Catlettsburg, under the charter thereof, to make an order on the order-book of said court, at the next regular term of said court after he receives said petition, directing the sheriff of Boyd county to open a poll on a day named in the order

of election by the said county judge, and not exceeding, however, within three days from day of his making said order of election in said town, for the purpose of taking the sense of the legal voters of said town upon the proposition whether or not spirituous, vinous, or malt liquors shall be sold, loaned, given, or procured for self, another person within the territory described in this act. It shall be the duty of the county clerk to give to the sheriff a certified copy of the order of the judge of the county court, as it appears on the said order-book, within five days after making said order.

§ 12. It shall be the duty of the sheriff to have the order of the judge of the county court published in some weekly or daily paper published in the county, for at least fifteen days before the election, or advertise the same by printed or written handbills posted at five or more conspicuous places in said town for same length of time. The sheriff shall have the advertisements herein provided for posted, as above provided for, within ten days after he receives the order of the county judge.

§ 13. It shall be the duty of the sheriff to open a poll, and the election officers shall propound to each voter who may vote the question: "Are you in favor of the prohibition of the selling, procuring for, or giving spirituous, vinous, or malt liquors, as provided in the act under which this election is held?" and his vote shall be entered for or against it as he directs. The poll-book shall be returned to, and deposited with the clerk of the Boyd county court, and shall be examined and compared by the same officers that compare and examine the poll-books in case of the election of sheriff and other county officers.

§ 14. If it shall be found that a majority of the legal votes cast at said election hereinbefore provided were given against the sale or giving of spirituous, vinous, or malt liquors, as contemplated by this act, in the town of Catlettsburg, or within three miles of the corporate limits of said town, as herein provided, it shall be the duty of the examining board to certify that fact, which certificate shall be delivered to the clerk of the Boyd county court, and by

him safely kept until the next regular term of the Boyd county court, at which time the judge thereof shall have the same spread on the order-book of the said court; and said entry of the certificates in the said order-book, or a certified copy thereof, shall be *prima facie* evidence in all proceedings under this act.

§ 15. After any election as aforesaid, and the entry of the certificates of the examining board for prohibition thereunder as aforesaid, and as above provided for, in the order-book of the county court of Boyd county, and not before, any one violating the provisions of this act shall be subject to the penalties herein imposed by this act.

§ 16. The county judge shall not make the order for the election until the persons signing the petition have deposited in money, with the clerk of the county court, an amount sufficient to pay for the advertisements herein provided for, and the fees of the clerk for making entries on the order-book and other expenses.

§ 17. The county judge shall appoint officers for the election herein provided for, as in case of elections for county officers; and they shall be subject to the same pains and penalties as provided by the general law against officers of elections in failing to discharge their duty.

§ 18. This act shall take effect from and after its passage.

Approved April 8, 1884.

CHAPTER 676.

AN ACT to regulate the sale and traffic in spirituous, vinous, and malt liquors in Butler county, and in the voting precincts therein.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the judge of the county court of Butler county, within fifteen days after the passage of this act, or as soon thereafter as practical, either at a call or regular term of said court, to make an order on his order-book, directing the sheriff of said county to cause a poll-book to be opened in each voting precinct in said county on the second Saturday in June, one thousand eight

hundred and eighty-four, for the purpose of taking the sense of the legal voters in said county upon the proposition as to whether or not spirituous, vinous, or malt liquors shall be sold in said county, or any voting precinct therein.

§ 2. It shall be the duty of the county court to appoint the necessary officers to hold said election, when the order therefor is made, who shall be served with notice of their appointment as officers of a general election are.

§ 3. The election provided for herein shall be held and conducted according to the provisions of an act, entitled, 'An act to regulate the sale of spirituous, vinous, and malt liquors in this Commonwealth,' approved January twenty-sixth, one thousand eight hundred and seventy-four, commonly known as the local option law, except where otherwise provided herein.

§ 4. The polls shall be returned within the same time and be compared by the same persons as in an election for county officers under the general law, and the result shall be certified and the certificate recorded, and all such orders and proceeding shall be entered and had as is provided for in the act of January twenty-sixth, one thousand eight hundred and seventy-four, above referred to, and have the same effect; and if it shall be found that a majority of the legal votes voting at said election in the county have been cast against the sale of spirituous, vinous, or malt liquors, then it shall be unlawful to sell any of said liquors in said county; and if it shall be found that a majority of the votes cast in any voting precinct were against the sale of said liquors, it shall be unlawful to sell any of said liquors in such precinct, notwithstanding the county as a whole voted for their sale.

§ 5. The certificate of the result of the election held under this may be ordered to record at a called term of the county court, and shall be as effective from its entry as if entered at a regular term.

§ 6. The provisions of sections two, three, four, five, six, seven, and nine of the local option law, to-wit, act January twenty-sixth, one thousand eight hundred and seventy-four, entitled as aforesaid, shall be enforced as part of this act.

except as otherwise provided herein; and all laws, either general or local to Butler county, either as amendments to or in aid of the local option act, to-wit, act of January twenty-sixth, one thousand eight hundred and seventy-four, or any amendments that may be hereafter passed, shall be applicable to and affect this act in the same way and to the same extent as if passed as an amendment to this act or adopted herein.

§ 7. Any voter may contest the election held under this act, either for the whole county or for only a voting precinct, within the same time as an election for a county office may be contested, and the proceeding shall be the same, except that the notice shall be served on the county judge and county attorney at least ten days' before the case is heard.

§ 8. The entire cost and fees of the election provided for herein shall be allowed by the court of claims and paid out of the county levy.

§ 9. If any person shall vote in the election provided for herein who is not entitled to vote under the laws of this Commonwealth, he shall be punished as for a violation of the general laws on elections, and all general laws to protect the purity of elections shall be applicable to this act.

§ 10. This act shall take effect from and after its passage.

Approved April 8, 1884.

CHAPTER 677.

AN ACT to regulate the advertisement of judicial sales of land in Hardin and Grayson counties

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be the duty of the commissioner, in addition to the advertisement by posters as now required by law in sales of land under execution, to advertise all sales of land made by order of court in Hardin county and Grayson county for three weeks before the sale, by notices stating briefly the land and the time, place, and terms of sale, inserted in the newspaper published in said county having the largest *bona fide* circulation. The cost of said advertise-

ment shall not exceed one dollar and fifty cents for each inch thereof (column measure), and shall be paid by the party procuring the sale and taxed as cost. Said notice shall not exceed one and a half inches, unless requested by one of the parties.

§ 2. This act shall not apply to any sales where the amount to be made is less than one hundred dollars, and no such advertisement shall be made if the publisher or publishers of such newspaper shall fail or refuse to advertise the sale on the terms prescribed herein.

§ 3. Any commissioner failing to advertise in such newspaper as herein required, shall not be allowed anything for his services in selling; but his failure to make such advertisement shall in nowise affect the validity of the sale.

§ 4. This act shall take effect on and after the first day of May, one thousand eight hundred and eighty-four.

Approved April 8, 1884.

CHAPTER 678.

AN ACT for the benefit of Carlisle and Miller's Station Turnpike Road Company, in Nicholas county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever said company shall make proof to the county judge of Nicholas county that it has a sufficient amount of solvent and collectable subscription by private individuals to the capital stock of said company, which subscription, together with the county subscription of one thousand dollars to the mile for each mile of said company's pike, and at that rate for each fraction of a mile of said pike, would be sufficient to complete said pike, the said county judge shall subscribe for and on behalf of Nicholas county to the capital stock of said company at the rate of one thousand dollars a mile for each mile or fraction of a mile of said pike, and at the time of making said subscription said judge shall levy a tax on the taxable property of Nicholas county sufficient to pay one half of said subscription, and cause the same to be collected and paid to said

company within one year next after said levy, and shall at the end of a year next after the date of said subscription levy a tax on said taxable property sufficient to pay the remaining half of said subscription, and cause the same to be collected as soon as practicable: *Provided*, That county subscription shall not be paid to said company until said company shall make proof to said county judge that one mile of said pike has been completed according to the specifications, when it shall receive one thousand dollars, and so on until all of said county subscription has been paid, not exceeding one half during the first year next after said subscription.

§ 2. This act shall be in force on and after its passage.

Approved April 8, 1884.

CHAPTER 680.

AN ACT to amend an act, entitled "An act to incorporate the Ewing and Metcalf's Mill Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Ewing and Metcalf's Mill Turnpike Road Company," approved March twenty-six, one thousand eight hundred and eighty-four, be, and the same is hereby, amended as follows, viz: The president and directors with their surveyors, engineers, artists, and chain-carriers, are hereby authorized and empowered to enter in and upon the lands and inclosures, public roads and highways, in, through, and over which the intended road may pass, and to examine and survey the ground most proper for that purpose, to examine quarries or beds of stone, gravel, and other material necessary for the construction of said road.

§ 2. This act shall take effect from its passage.

Approved April 8, 1884.

CHAPTER 681.

AN ACT to authorize the levy court of Bath county to levy an additional ad valorem tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Bath county is hereby authorized to levy an additional ad valorem tax, not to exceed fifteen cents on each one hundred dollars' worth of taxable property in said county, for the purpose of paying off the indebtedness of said county.

§ 2. This act shall take effect from its passage.

Approved April 8, 1884.

CHAPTER 682.

AN ACT to prohibit the sale, loan, or gift of spirituous, vinous, or malt liquors in Swann precinct, in Calloway county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell, give, or lend to another, in the Swann voting precinct, in Calloway county, any spirituous, vinous, or malt liquors, or any mixture with any such liquor, in any quantity less than ten gallons.

§ 2. Any person violating the first section of this act shall be fined for each violation fifty dollars, to be recovered in the name of the Commonwealth of Kentucky, by warrant before a justice of the peace or by indictment of a grand jury.

§ 3. All laws or parts of laws in conflict with this act are hereby repealed.

§ 4. It shall be the duty of the officers of election in the Swann precinct, at the August election in one thousand eight hundred and eighty-four, to open a poll, and ask each person voting whether he votes for or against selling, giving, or lending whisky in Swann precinct, and to record the names and votes; and if a majority of those voting upon this question vote in favor of such prohibition, then, and after then, this act shall be in force and effect.

Approved April 8, 1884.

CHAPTER 683.

AN ACT to authorize the court of claims of Mason county to subscribe for stock in the Maysville Agricultural and Mechanical Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the court of claims of Mason county, at any regular annual meeting, is authorized and empowered to subscribe for the benefit of the county, and pay for out of any money in the treasury not otherwise appropriated, any amount of stock in the Maysville Agricultural and Mechanical Association, not to exceed in the aggregate the sum of five thousand dollars.

§ 2. This act shall take effect from its passage.

Approved April 8, 1884.

CHAPTER 684.

AN ACT to incorporate the Citizens' Fire and Marine Insurance Company, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Joseph B. Kinkead, John G. Barret, Henry C. Murrell, Robert Vaughan, Chas. Thruston Johnson, Joe. D. Allen, Gavin H. Cochran, V. D. Price, and E. Brewer Davis, together with their associates and successors and assigns, be, and they are hereby, created and made a corporation and body-politic, under the name and style of the Citizens' Fire and Marine Insurance Company of Louisville, Kentucky ; and by that name have perpetual succession, and be capable in law to have, purchase, or receive, possess, enjoy, and retain, to them and their successors, lands, rents, tenements, goods and chattels, public or private securities of kind and quality or nature whatsoever, not, however, inconsistent with the acts and amended acts regulating such insurance companies in this State ; and to sue and be sued, to plead and be impleaded, answer and be answered, defend and be defended, in any court whatsoever ; and also to make and use a seal or seals ; and also ordain and establish and put into execution such by-laws as may be neces-

sary and convenient for the government of said company, not contrary to the provisions of this charter.

§ 2. The capital stock of said company shall be one hundred thousand dollars, which may be increased, from time to time, at the will of the stockholders, to any amount not exceeding one million dollars, divided into shares of one hundred dollars each.

§ 3. The corporators named in this act, or any four of them, shall, within six months after the passage of the same, or sooner if they wish, give notice in the Louisville newspapers of the time and place of opening the books for the subscription of stock; and when the sum of one hundred thousand dollars shall have been subscribed, and twenty per cent. of that amount paid into the corporation, and notes given for the remainder, to be paid in installments of twenty per cent. of the capital stock every thirty days thereafter, said company may be organized by electing a president, vice-president, secretary, treasurer, and general agent from the names of the corporators herein mentioned. The above-named corporators to constitute the first board of directors, who shall continue in office until the first Monday in January of the next succeeding year, when the annual election of seven directors shall occur, to be selected by the stockholders, giving each holder one vote for each share of stock held by him or her, in person or by proxy.

§ 4. It shall be the duty of the secretary to advertise in one or more newspapers the annual election. The board may fill any vacancy which may occur in the directory, by reason of death or resignation, for the unexpired time of any such member. It shall be lawful for said company to have five members to constitute a quorum, including the president. In case the president is absent, the vice-president shall preside, and in case of the absence of both, the secretary may call a member present to preside.

§ 5. The stock of said corporation shall be assignable and transferable on the books of the company, in person or by attorney, and said stock shall be considered as personal property; but no person indebted to the company shall be permitted to make a transfer until such debt is paid or

secured to the satisfaction of the president and board of directors; and if any stockholder shall fail or refuse to pay installments when called for and demanded by the president and board of directors aforesaid, within sixty days after the time designated for the payment of such installments, such stockholders shall forfeit each and every share on which payment shall not be fully made, and the shares so forfeited may be sold by the company.

§ 6. That it shall and may be lawful for the said company to insure houses and other buildings and personal property contained in any houses or buildings of whatever kind; also steam-boats or other vessels and property contained therein, and goods and merchandise in course of transportation, by land or water, against loss or damage by fire, water, or otherwise; and it shall be liable to make good all losses sustained by fire or otherwise, agreeable to such terms and conditions as may be contained in the policy of insurance.

§ 7. It shall be lawful for said corporation to invest any part of its capital stock, moneys, funds, or other property, in the manner and in the funds authorized to be invested in by virtue of "An act for the incorporation and regulation of fire, marine, accident, live stock, and all other, except life insurance companies," approved March twelve, one thousand eight hundred and seventy, and by virtue of the amendment thereto, approved April third, one thousand eight hundred and seventy-eight.

§ 8. It shall be the duty of the secretary to cause a full report to be made on first of January and July of each year of all moneys received and disbursed; and said company may declare dividends out of the net earnings of said company as often as twice a year.

§ 9. The president and directors shall cause a set of by-laws to be made to comply with this charter, not inconsistent with the Constitution, and laws of Kentucky; and the said board of directors shall fix the salaries of all the officers, and rates of all the expenses of the directory.

§ 10. The stockholders of this company shall not be individually liable for any amount whatever.

§ 11. This act shall take effect from and after its passage.

Approved April 8, 1884.

CHAPTER 685.

AN ACT to incorporate the town of Middleburg, in Casey county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Middleburg, in Casey county, be, and the same is hereby, incorporated. The corporate limits of said town shall be as follows, viz: To extend two miles in every direction from the forks of the pike at George G. Fair's store, in said town, excluding the town of Yosemite.

§ 2. That George G. Fair, Dr. J. T. Wesley, C. L. Holmes, E. J. Godley, and Elbert S. Wells, be, and are hereby, appointed trustees of said town, and shall hold their office until the first Saturday in January, one thousand eight hundred and eighty-five, and until their successors are elected and qualified, and that the election for trustees of said town shall be held annually in said town on the first Saturday in January, at such place in said town as a majority of said trustees may direct. Ten (10) days' notice of said election shall be posted up at three (3) of the most public places in said town before the day of election.

§ 3. That said trustees shall appoint one of their body chairman, whose duty it shall be, together with the clerk of said board, to hold all elections for officers of said town.

§ 4. The chairman and clerk as aforesaid shall take an oath, before some person legally authorized to administer the same, that they will faithfully discharge their duties as judges of said election, before entering upon the same; and it shall be their duty, within three (3) days after said election, to report to the county court clerk and the board of trustees the names of those persons receiving the highest number of votes, whom they shall declare duly elected.

§ 5. The trustees herein appointed by this act, and those

who may be hereafter be elected, before entering upon the discharge of their duties as trustees, take an oath before a justice of the peace, or some other officer legally authorized to administer oaths, that they will faithfully discharge their duties as such.

§ 6. That they shall have [power] to appoint a clerk and treasurer. It shall be the duty of said clerk to keep a complete record of all by-laws, rules and regulations, that said trustees may adopt for the government of said town, and they shall have the right to make and adopt such a code of by-laws as they may consider will be for the benefit of said town: *Provided*, The same is not inconsistent with the general laws of the State of Kentucky.

§ 7. The trustees of said town shall have the right to assess such fines and punishments as they may think proper for a violation of any by-laws they may make: *Provided*, The same shall not be greater and the punishment more severe than that imposed by the general laws of the State of Kentucky, or consistent therewith. The trustees shall be a body corporate, and by the name of the trustees of the town of Middleburg may sue and be sued, and may appoint all necessary agents and attorneys in that behalf. The books of the trustees, as kept by their clerk, shall be open to inspection at all times, to be examined by any citizen of said town or any one else interested therein. The trustees herein named, and their successors, shall have the right to fill any vacancy that may occur in their body until the annual election.

§ 8. That there is hereby established in said town of Middleburg a police court, the officers of which shall be a judge and marshal, to be called the judge and marshal of the town of Middleburg.

§ 9. That Charles Moran be appointed judge aforesaid until the first Saturday in January, one thousand eight hundred and eighty-five, and that Willis T. Coulter is hereby appointed marshal aforesaid until the first Saturday in January, one thousand eight hundred and eighty-five.

§ 10. That the police judge and marshal herein named shall have concurrent jurisdiction with justices of the peace

and constables in the voting precinct in which Middleburg is located; but before entering upon the duties of their respective offices they shall execute such bonds and take such oaths, before some tribunal, as required of justices of the peace and constables of Casey county; and all laws now in force in the State of Kentucky applicable to the duties, privileges, powers, or responsibility applicable to justices of the peace and constables shall be applicable to the judge of the town of Middleburg or the marshal thereof.

§ 11. The police court of Middleburg shall have jurisdiction of all criminal matters within the county of Casey concurrent with two (2) justices of the peace. The marshal shall exercise the same powers and possess the same rights as a constable, and they shall be severally entitled to receive for like services, and such fees may be collected in same manner as other officers' fees.

§ 12. The marshal may be appointed by the board of trustees collector.

§ 13. All qualified voters under the Constitution, living within the boundary of said corporation, or owning real estate, or having property leased or rented, or carrying on any regular business therein, shall be competent to vote for officers for the town of Middleburg. All officers of the town of Middleburg shall be residents thereof, and a removal out of the corporate limits by an officer shall vacate his office.

§ 14. It shall be the duty of the Governor, immediately after the passage of this act, to issue to the judge herein named a commission as such, who shall, in the form of an affidavit, take the oath required by the Constitution, and also an oath of office that he will discharge the duties of his office without favor, affection, or reward, and to the best of his ability according to law. The commission of the police judge, together with the affidavit, shall be filed in the county clerk's office, and duly recorded, for which the clerk shall receive a fee of one dollar.

§ 15. The certificate of the officers of an election held in the town of Middleburg, therein stating the name of the person duly elected police judge thereof, when returned to

the clerk of the county court for Casey county, together with the certificate of said clerk indorsed thereon that said officers as aforesaid have made oath before him as to the correctness of the same, together with his official seal thereon, when filed with the Governor of this Commonwealth, shall authorize and direct him to issue a commission to the person named as being elected police judge in said certificate ; and said police judge, as named in said certificate, shall fully comply with all the requirements as embraced herein relative to the judge of Middleburg.

§ 16. That the board of trustees shall have no power or authority to grant license to any person or persons whatever for the sale of any spirituous, vinous, or malt liquors, within said corporate limits ; and no merchant, grocer, tavern-keeper, or druggist, or other person or persons, shall be permitted to sell or keep and offer for sale any spirituous, vinous, or malt liquors, or any mixtures of the same, or any of the so-called preparations of bitters, within the limits of said town or corporation. Any and all persons found guilty of violating the foregoing provisions shall be fined for each and every such offense sixty dollars or thirty days' imprisonment in the county jail, in default of payment of said fine.

§ 17. It shall be the duty of the treasurer herein to execute such bond to the trustees as they may require, conditioned as they may think proper, and to renew the same at any time as said trustees may judge proper.

§ 18. All processes issued by the police judge against any person or persons for a violation of any of the by-laws of the trustees, or for any crime or misdemeanors committed, for which money may be finally adjudged against the offenders, the same shall be in the name of the Commonwealth of Kentucky, and for the benefit of said town of Middleburg.

§ 19. This act to take effect from its passage.

Approved April 8, 1884.

CHAPTER 686.

AN ACT to amend an act, entitled "An act to incorporate the Yarnellton Turnpike Road Company, in Fayette county," approved March twentieth, one thousand eight hundred and eighty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act, entitled "An act to incorporate the Frankfort Turnpike Company, in Fayette county," approved March twentieth, one thousand eight hundred and eighty, be amended by inserting after the words "Yarnellton Turnpike Road," the following, "and from thence over the Tarlton dirt road to such point as may be determined upon by the president and directors;" and the same shall be considered as one continuous route, and the company shall be allowed to collect toll over the same in proportion to the entire length of said route.

§ 2. This act shall be in force from its passage.

Approved April 8, 1884.

CHAPTER 687.

AN ACT to increase the jurisdiction of the justices of the peace in Fayette county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the courts of justices of the peace in the county of Fayette shall have jurisdiction concurrent with the circuit, common pleas, and quarterly courts of this Commonwealth, of all actions and proceedings for the recovery of money or personal property, when the matter in controversy, exclusive of interest and cost, does not exceed one hundred dollars in value. The pleadings therein shall be oral and without verification; yet before any summons shall be issued, the plaintiff shall file with the justice the account, or the written contract, or a short written statement of the facts on which the action is founded. In all sums exceeding fifty dollars a tax of fifty cents shall be paid by the plaintiff, and if the claim of the plaintiff is less than fifty dollars, and the set-off or counter claim of the defendant is greater than

fifty dollars, then a like sum of fifty cents shall be paid by the defendant to the justice, who shall report and account for such sums so paid (by plaintiff or defendant, as the case may be) to the trustee of the jury fund, as in cases of fines collected by justices of the peace.

§ 2. Upon all judgments hereafter rendered in justices' courts by virtue of the provisions of this act, when the amount in controversy is of the value of less than fifty dollars, and as much as ten dollars or more, exclusive of interest and cost, appeal may be had by either party to the quarterly court, and when the amount in controversy is of the amount of fifty dollars or more, exclusive of interest and cost, appeal may be had by either party to the circuit or common pleas court. The appeals and cost, in all other respects, shall be regulated as now provided by law.

§ 3. That the justices of the peace of Fayette county, outside the city of Lexington, shall have the same authority to try civil cases on five days' notice, as now exercised by the justices of the peace of the city of Lexington.

§ 4. This act shall take effect from its passage.

Approved April 8, 1884.

CHAPTER 688

AN ACT to incorporate the Campbellsville and Hodgenville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Geo. J. Edrington, James W. Edwards, C. H. Graves, W. W. Ingram, R. A. Cowherd, W. H. Cowherd, G. W. Durrett, E. M. Coakley, and J. M. Coakley, be, and they are hereby, created a body-politic and corporate, for the purpose of constructing a turnpike road from any point on the Greensburg Turnpike to the Green county line, near to the Pleasant Valley Church, in Green county, under the name and style of the Campbellsville and Hodgenville Turnpike Road Company; and by said name shall have perpetual succession, with power to contract and be contracted with, to sue and be sued; and shall have all other

rights and powers conferred upon similar corporations in this State by law.

§ 2. That the capital stock of said company shall not exceed twenty-five thousand dollars (\$25,000), and shall be divided into shares of fifty dollars each.

§ 3. That the indebtedness of said company at no time shall exceed the amount of capital stock subscribed and actually paid up.

§ 4. That the private property of stockholders shall be exempt from corporate debts.

§ 5. That said road may be constructed of stone, gravel, or wood, of any or all of said materials, and shall not be less than eight feet nor more than fourteen feet wide, and the right over which said road is constructed shall not be less than fourteen nor more than thirty feet wide.

§ 6. The persons named in this act are hereby declared to be the present board of directors of said company, and shall hold their office until the first Saturday in May, one thousand eight hundred and eighty-five. Said directors shall elect one of their number president, one treasurer, and one secretary of said company; and all of said persons are appointed commissioners; and any of said persons are hereby appointed and authorized commissioners to receive subscriptions to the capital stock of said company.

§ 7. That for the purpose of constructing said road, the directors may receive grants of right of way and material for the construction of said road, and in the event they cannot agree with the owners of the soil and material, they may proceed and have the same condemned as provided by chapter one hundred and ten of the General Statutes of Kentucky. For the purpose of locating said road, it shall be lawful for the president and directors to enter with their surveyor, chain-carriers, and engineers upon the land and inclosures and roads through which the intended road passes, to examine and survey grounds suitable for that purpose, and examine quarries, beds stone, gravel, and other materials suitable for construction of said road.

§ 8. Said company shall have the right to erect a toll-gate so soon as it has completed two and one half miles of

consecutive road; and upon completion of said road may erect one gate for each five miles of road completed, or, if they desire, may establish half fare gates for each two and one half miles of road completed; said company shall also have the right to collect toll for the actual distance traveled by parties over said road that pass through any of its gates; but said company shall at no time charge a greater rate of toll than that now provided by the General Statutes; and said company, by a vote of a majority of the stockholders who may vote, in person or by proxy, at an election called for that purpose, at a place fixed by the president of the company, shall determine the route of said road.

§ 9. The annual election of officers for said company shall be held on the first day in May in each year, beginning with the first Saturday in May, one thousand eight hundred and eighty-five. The stockholders of said company shall fix the time and place, and the hours between which said election shall be held, reasonable notice being given; and each stockholder shall be entitled to cast one vote for each share of stock they own.

§ 10. This act shall take effect from its passage.

Approved April 8, 1884.

CHAPTER 689.

AN ACT to incorporate the Louisville and Eastern Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Geo. H. Lamkin, Edward W. Gilbert, Henry Waterman, S. A. Williams, and T. B. Beaumont, their associates, successors, and assigns, who may become stockholders, be, and they are hereby, created a body-politic and corporate, by the name and style of the Louisville and Eastern Railroad Company; and by that name shall have perpetual succession, and be capable of suing and being sued; may have a common seal, and alter the same at pleasure; may have power to contract and be contracted with, and acquire, hold, and transfer real and personal property, and to do any and every other thing necessary.

proper, or convenient to be done to carry out or facilitate the execution or operation of the purposes of this corporation, as completely as a natural person might do.

§ 2. The capital stock of said company may be any amount, not exceeding thirty thousand dollars per mile, for each mile of said road which said company shall build or own in the State, to be divided into shares of one hundred dollars each; and individuals, railroad companies, and other corporations, either in or out of this State are authorized to subscribe for and hold stock in said company.

§ 3. The corporators named in the first section, or such of them as may act, shall constitute the first board of directors of said company, and may organize this corporation and serve as such directors until their successors are duly elected and qualified. The said board of directors, or a majority of them, shall meet at such time and place as they may agree upon and designate; and, from their own number, or from such persons as they may associate with themselves, choose a president, and appoint such other officers and agents as may be necessary; they shall have power to adopt such by-laws for the government of the company, its officers, agents, and employes, in the general conduct and management of the affairs and business of the company, as may be needful and proper, and alter, amend, or repeal the same at will.

§ 4. That the board of directors shall provide in the by-laws for an annual election of the board of directors, consisting of not less than five nor more than nine in number, who shall be stockholders of said company, and fix the time and place, and determine the manner of the first and succeeding elections of directors. The directors shall severally hold their office for one year, and until their successors are elected and qualified. The board of directors may fill any vacancy occurring in their number, and shall choose from their own number a president. It shall require a majority, including the president, to constitute a quorum of the board of directors for transaction of business. At the election of directors, and all other meetings of stockholders in said company, stockholders shall be entitled to one vote for each.

share of stock so held, which may be cast in person or by written proxy. Provision shall be made in the by-laws for annual meetings of the stockholders, and such called meetings as are necessary. All stockholders' meetings of this corporation shall be held within the State of Kentucky; but all meetings of the board of directors, and all elections of officers by the board of directors, may be held outside the State of Kentucky.

§ 5. The president and directors shall have the management and control of the property, business, and affairs of the company, and may appoint all such officers and agents and employes as are necessary, prescribe their duties and compensation, and take from any of them bond with security for the faithful performance of his duties.

§ 6. It shall be lawful for the president and directors of said company to open stock-books for subscription to the capital stock at such times and places, and continue them open such length of time, as may be deemed necessary. The capital stock of said company is hereby declared to be personal property, and may be issued, certified, transferred, and registered in such manner and at such place as may be ordered and provided by the board of directors of said company.

§ 7. The said Louisville and Eastern Railroad Company shall be, and is hereby, authorized and empowered to locate, construct, maintain, and operate, with such number of tracks and telegraph lines as said corporation may desire, a line of railroad, on a strip of land not exceeding one hundred feet in width, from any point in Fayette or Scott county, to any point on the division line of Kentucky and Virginia, in Pike county, which bounds Kentucky on the southeast, together with all side-tracks, switches, turnouts, engine-houses, depots, and other buildings or structures whatsoever, and all rolling stock, engines, and cars, machinery, and other things that said corporation may deem necessary or proper for the prosecution of its business, and to acquire and hold all additional lands necessary and proper for their structure and operation.

§ 8. The company may receive by donation, purchase, or otherwise, all lands necessary or proper for its road bed, side-tracks, depot and warehouse, and other legitimate purposes; and also all materials necessary or proper for the construction and maintenance of the railroad and its appurtenances. If such lands or material cannot be procured through voluntary agreement of the owners thereof, said company may have the same condemned, and pay therefor in the manner now provided by law.

§ 9. The said company shall have power to purchase and hold any connecting railroad in this State or elsewhere, and may subscribe stock to any such railroad company, in or out of this State, and may consolidate said company with any other railroad company in or out of this State, upon such conditions as may be agreed upon, and may lease and operate any railroad connecting with said railroad or branches, and upon such terms as may be agreed upon between the companies so uniting, connecting, or consolidating; and for that purpose full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such connection, by lease or otherwise. Said company may also sell the said railroad or lease the same, and may build branches from said road and branches from said branches.

§ 10. The Louisville and Eastern Railroad Company, in order to raise means for the construction, equipment, and operation of its railroad, may issue and sell the bonds of said company of the denomination of one thousand dollars each, to an amount not exceeding thirty thousand dollars per mile for each mile of railroad which said company may build, contract to build, or own in this State, bearing not exceeding six per cent. per annum interest, payable semi-annually, with coupons attached, to be made payable as said company may direct, not exceeding forty years from their date of issue, and secure the payment of the principal and interest thereof by a mortgage or deed of trust, conveying said railroad and other property and franchises of said corporation to a trustee or trustees, and from time to time fill vacancies that may occur in the office of trustee,

with such covenants and stipulations as may be necessary to effect the purpose and objects of its execution.

§ 11. The directors of said company may make contracts with any corporation, company, individual, or individuals, for constructing and equipping said railroad and branches, or any part thereof, and pay for the same wholly or partially in the stock, bonds, or other property of said company, in such manner and upon such conditions as may be deemed for the best interests of said company

§ 12. That it shall be lawful for the corporate authorities of any incorporated city or town through which said railroad or any of its branches shall be located to donate or lease to said railroad company, as right of way, the right to lay a single or double track through said city or town, or any portion of the same, on any street or highway that the said railroad company shall select for that purpose.

§ 13. The board of directors of said company shall have power to establish such rates of toll for the conveyance of persons and property on their said railroad and branches, not exceeding the rates charged by other railroads in this State, or which may be established by general law regulating charges for freight and passage on railroads in this Commonwealth.

§ 14. This act shall take effect from its passage.

Approved April 10, 1884.

CHAPTER 690.

AN ACT to amend the charter of the city of Augusta, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act to amend the charter of the city of Augusta, approved February twenty-third, one thousand eight hundred and eighty-two, is hereby repealed.

§ 2. That section twenty-one of the act "to reduce into one and amend and digest the acts and amendatory acts incorporating the city of Augusta, Bracken county, Kentucky," approved February twenty-ninth, one thousand

eight hundred and seventy-six, is hereby amended as follows: That the city council shall issue the bonds of the city to the amount of twenty-five thousand dollars, independent of the privilege granted to increase the city's bonded debt to fifteen thousand dollars, to the Cincinnati and Southeastern Railway Company, when said railway company shall have complied with the provisions of an ordinance passed July, one thousand eight hundred and eighty-three, and voted upon by the voters of said city (a majority of the legal voters voting having voted in favor of said ordinance) July, one thousand eight hundred and eighty-three.

§ 3. In the event the said Cincinnati and Southeastern Railway Company fail to build their road, the city council may, at any time in the future, issue bonds of the city to the amount of twenty-five thousand dollars in aid of any railway company that will construct a railroad through said city: *Provided*, A majority of the legal voters voting of said city shall vote in favor thereof, at an election called and held for that purpose.

§ 4. That all acts and amendments in conflict with this amendment is hereby repealed.

§ 5. This act shall take effect from and after its passage.

[Became a law without the signature of the Governor.]

CHAPTER 691.

AN ACT for the benefit of the Bardstown and Louisville Turnpike Road Company.

WHEREAS, By an act approved December twentieth, one thousand eight hundred and sixty-five, the General Assembly appropriated five thousand dollars to the Bardstown and Louisville Turnpike Road Company to aid in rebuilding certain bridges upon said road; the State being owner of a majority of the capital stock of said road company, and said appropriation being made upon the condition that said sum, five thousand dollars, and its interest, should be refunded to the State out of the net tolls to be collected. See Session Acts one thousand eight hundred and sixty-five and one

thousand eight hundred and sixty six, page thirty-one, chapter fifty-three. And by an act of the General Assembly, approved February fifteenth, one thousand eight hundred and sixty-six, the State appropriated the further sum of five thousand dollars to the Bardstown and Green River Turnpike Road Company to aid in rebuilding the bridge on said road across the Beech Fork, upon the condition that said sum and its interest should be refunded to the State out of the tolls to be collected. See Session Acts one thousand eight hundred and sixty-five and one thousand eight hundred and sixty-six, page five hundred and ten, chapter six hundred and eight. And the State, by an act of the General Assembly, approved February seventeenth, one thousand eight hundred and sixty-six, also appropriated five thousand dollars to the Springfield and Bardstown Turnpike Road Company to aid in rebuilding the bridge on said road across the Beech Fork of Salt river, upon the condition that said sum, with interest, should be refunded out of the tolls to be collected; and whereas, the General Assembly, by an act, approved March ninth, one thousand eight hundred and sixty-eight, repealed the second section of the act for the benefit of the Springfield and Bardstown Turnpike Road Company, and by an act of same date repealed the second section of the act for the benefit of the Bardstown and Green River Turnpike Road Company (see said repealing acts, in Session Acts one thousand eight hundred and sixty-seven and one thousand eight hundred and sixty-eight, page five hundred and five hundred and thirteen), by which it was intended to release said road companies from the obligation to return said sums appropriated and all interest thereon, and said acts did so release them, and no part of said sums nor any interest thereon was ever paid back to the State; and whereas, the General Assembly, by act approved February thirteenth, one thousand eight hundred and sixty-nine, repealed the third section of said act, entitled "An act to rebuild the bridges on the Bardstown and Louisville Turnpike Road," whereby it intended and attempted to release said road company from all obligation

to refund to the State any part of said five thousand dollars appropriated, and its interest, which act of release was regarded as effectual for that purpose up to the — day of —, when the Attorney General for the State discovered a defect in said repealing act, viz: That section two, as well as section three, of said act should have been repealed in order to release the company from the obligation to refund, and so forth; and thereupon instituted suit for the recovery of said five thousand dollars and interest thereon from date of the appropriation, in which suit, on account of the failure to repeal section two of said act, judgment was rendered in favor of the State for the amount claimed, to-wit: Five thousand dollars and interest thereon from the thirtieth day of April, one thousand eight hundred and sixty-six, and costs of suit, upon which judgment the sum of five thousand dollars and the costs of said suit have been paid. That the payment of said five thousand dollars was made by said company into the State Treasury on the — day of —, and was intended to be in full satisfaction of the original sum appropriated and the principal sum named in said judgment, the company continuing to protest against the payment of interest thereon, under the circumstances of this case; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the payment of five thousand dollars and the costs upon said judgment, as set out in the preamble to this act, shall be deemed and held to be in full of the amount due the State upon said claim, the State hereby releasing all further claim to the interest given by said judgment; and upon the filing of a copy of this act with the clerk of the Nelson circuit court, in which court said judgment was rendered, said clerk shall indorse said judgment as fully satisfied: *Provided*, The said turnpike company shall refund to the State any and all costs and attorney's fees that may have been paid in the prosecution of the suit against said company, and in addition, shall pay to the Attorney General his fee of twenty per cent. on the balance remaining of the unpaid judgment.

§ 2. Nothing herein contained shall be construed as giving to said road company, or to the stockholders of same, any right to claim or recover from the State said principal, five thousand dollars, or any part thereof.

§ 3. This act shall take effect and be in force from its passage.

[Became a law without the signature of the Governor.]

CHAPTER 692.

AN ACT to authorize the Bourbon county court of claims to assist in the erection and repair of bridges and causeways over streams on the line of turnpike roads in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever, in the opinion of the court of claims of Bourbon county, a bridge or causeway shall be necessary on the line of any incorporated turnpike road in said county, and whenever in their opinion the expense of erecting or repairing the same is too great to impose on the said turnpike road company, then the said Bourbon county court of claims may, a majority of the justices composing said court being present and concurring therein, at any called or regular term, appropriate any sum which is necessary and proper, not exceeding four-fifths of the cost of said erection or repairs for the purpose of aiding any such turnpike road company in constructing or repairing a bridge or causeway over any stream in the county of Bourbon, on the line of such turnpike road, said appropriation to be made upon such terms and conditions as may be agreed upon by said court and any such turnpike road company at the time such appropriation is made; such contract shall be entered upon the records of said court, and this shall be the sole evidence of the terms and conditions upon which said appropriation is made.

§ 2. Said appropriation may be made in the way of a donation to the turnpike road company on the line of whose road the said bridge or causeway may be built or repaired, or it may be made by way of subscription to the capital

stock of any such turnpike road company, or it may be made otherwise, as the members of the said court of claims may in their discretion provide; and in case it is made as a subscription, the right to make such subscription shall be in addition to that which the Bourbon county court of claims have the right to make to turnpike road companies in said county as now provided by law.

§ 3. Said court, at the time of making such appropriation, or at any called or regular term, shall provide for paying same by levying a tax sufficient for that purpose upon the taxable property of said county, to be collected by the sheriff thereof, and paid over to its treasurer, who shall hold the same for the purpose aforesaid, to be paid out as the aforesaid court may direct.

[Became a law without the signature of the Governor.]

CHAPTER 693.

AN ACT for the benefit of T. H. West, sheriff of Jackson county.

WHEREAS, T. H. West, sheriff of Jackson county, has been sick, and unable to ride or attend to business since the first of November, one thousand eight hundred and eighty-three, and on account of said sickness and confinement will not be able to fully settle with the Auditor within the time prescribed by law all of the revenue due from him as sheriff aforesaid for the year one thousand eight hundred and eighty-three; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That T. H. West, sheriff of Jackson county, have until the first day of June, one thousand eight hundred and eighty-four, to settle and pay the revenue due from him as sheriff aforesaid for the year one thousand eight hundred and eighty-three: *Provided*, That the sureties on his official bond shall come into court and consent to the extension of the time given the sheriff in which to pay the revenue due the State.

§ 2. This act shall take effect and be in force from and after its passage.

[Became a law without the signature of the Governor.]

CHAPTER 694.

AN ACT to incorporate the Owenton Branch Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1 That Attila Cox, John C. Strother, of Owenton, Kentucky, W. A. Lindsay, of Gallatin county, Kentucky, and James Clark, of Louisville, Kentucky, and their associates, successors, and assigns, who may become stockholders, be, and they are hereby, created a body-politic and corporate, by the name and style of the Owenton Branch Railway Company; and by that name shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, defending and being defended, in law and equity, in all courts and elsewhere, in like manner and as fully as natural persons may be. And said corporation may have and use a common seal, and set aside, renew, and alter the same at pleasure; and by said corporate name may contract and be contracted with, and by that name shall be, and are hereby, invested with all the powers, privileges, immunities, and franchises of natural persons.

§ 2. The capital of said company may be any amount not exceeding thirty thousand dollars per mile for each mile of railroad which said company shall build or own in this State, divided into shares of twenty-five dollars each, and may be subscribed for, purchased, owned, and controlled by individuals in or out of this State, and by railroad companies and other corporations in Kentucky or elsewhere.

§ 3. The corporators named in the first section of this act, or such of them as may act, shall constitute the first board of directors of said company, and may serve as such until their successors are duly elected and qualified. The said corporators, or a majority of them, shall meet at such time and place as they may agree upon and designate, and from their own number, or from such persons as they may associate with themselves, choose a president, and appoint such other officers and agents as may be necessary. They shall have power to adopt such by-laws for the government of said company, its officers, agents, and employes, in the general conduct and management of the affairs and business

of the company, as may be needful and proper, and alter, amend, or repeal the same at pleasure: *Provided*, They shall not conflict with the laws of the United States or of this State.

§ 4. The general office of the company shall be located at Owenton, Kentucky. The directors shall have authority and power to locate and establish branch offices or agencies at such other place or places as may, in their judgment, be found necessary.

§ 5. That the incorporators, or first board of directors, after such time as they shall have organized, as before provided herein, shall provide in the by-laws for an annual election of directors, consisting of seven in number, who shall be stockholders of said company, and fix the time and place, and determine the manner of the first and succeeding elections of directors. The directors succeeding the first board shall severally hold their offices for one year, and until their successors are elected and qualified. Each board of directors may fill any vacancy occurring in their number, and shall choose from their own number a president. It shall require a majority, of whom the president may be one, to constitute a quorum of the board of directors for the transaction of business.

§ 6. At elections of directors, and all other meetings of stockholders in said company, stockholders shall be entitled to one vote for each share of stock so held, which may be cast in person or by written proxy.

§ 7. The president and directors shall have the management and control of the property, business, and affairs of the company; may appoint all such officers, agents, and employes as are necessary, prescribe their duties and compensation, and take from any one of them bond, with security, for the faithful performance of his duties.

§ 8. It shall be lawful for the president and directors of said company to open stock books for subscriptions to the capital stock, at such times and places, and continue them open for such length of time as may be deemed necessary. The capital stock of said company is hereby declared to be personal property, and may be issued, certified, transferred,

and registered in such manner and at such places as may be provided by the by-laws of the company.

§ 9. The said Owenton Branch Railway Company shall be, and it is hereby, authorized and empowered to locate, construct, build, and complete a railroad, either broad or narrow-gauge, as said corporation may desire, from the town of Owenton, in Owen county, Kentucky, to such point on the Louisville and Nashville Railroad, in the county of Gallatin or Carroll, Kentucky, as said corporation may determine ; and for that purpose may acquire title or right of way to a continuous line of not exceeding one hundred feet in width of land, with such other land as may be necessary for the use of said railroad ; and to construct, build, and furnish said railroad with all necessary side-tracks, turn-outs, switches, depots, stations, and all necessary buildings, erections, bridges, trestles, and structures for the construction of said railroad, and for the convenient working and carrying on its business, and with all the rolling-stock of every sort and kind, and all other machinery, implements, and property the company deem necessary and proper for the prosecution of its business ; and said company shall have power to operate and maintain the same ; and for said purposes said company, in its corporate capacity, is hereby vested with all the powers necessary for purchasing, acquiring title to, holding, selling, and conveying and transferring all real, personal, and mixed property said company may deem necessary to the carrying out the objects of this act, to the same extent any natural person or persons, or any other corporation, may exercise such rights of acquisition, holding, and disposing of his or their or its property.

§ 10. Said corporation is hereby authorized, by its agents, surveyors, and engineers, to cause such examinations and surveys of different routes as may be necessary to determine which is most suitable or desirable for the construction of said railroad ; and it shall be lawful for said company to enter upon, take possession of, and use all such real estate as may be necessary for the construction, operation, and maintenance of said railroad, its depots, side-tracks, water-stations, engine-houses, machine-shops, and other buildings

and appendages necessary for the use of said railroad; and said corporation may also take and use any earth, timber, gravel, stone, or other materials needed for the construction, maintenance, and repairs of said railroad and its appendages and works; and may, by its authorized agents, agree with the owner of the land, earth, timber, gravel, stone, or other materials wanted, for the purchase of the whole, or the use and occupation of the real estate, the owners thereof being competent to contract.

§ 11. Said company shall have power to lease or sell its road and property to any other road, corporation, or private person, or may consolidate itself with any other railroad company in this State, upon such terms and conditions as may be agreed upon between it and the other company or companies, so as to secure the building or operation of said road; and may establish and take a suitable and proper name, to be approved of by the consolidating companies; and for any of said purposes full power is hereby given the said company to make and execute all and any such contracts as may be necessary to carry into effect any such lease, sale, or agreement of consolidation.

§ 12. That said company is hereby authorized to borrow money to complete, equip, furnish, operate, or maintain its said railroad, and to issue bonds at a rate of interest not exceeding six per centum per annum, with such time to run as it may deem proper, and negotiate and dispose of the same as it may deem proper and may mortgage its corporate property and franchises to secure the same; but it shall not be lawful for said company to issue, discount, or dispose of a greater amount of bonds at their face value than thirty thousand dollars per mile of its contemplated road. And said company may, if it so desires, contract with any other railroad, or other corporation or person, for a guaranty of the payment of principal or interest, or both principal and interest of its said bonds, on such terms and conditions as may be agreed upon by this company and such other railroad, corporation, or person.

§ 13. That copies from the minutes of proceedings of

the board of directors of said corporation, certified by the secretary, and copies of the by-laws adopted by the board when so certified, shall be received in all tribunals in this State as evidence as fully and to the same extent as would be the books of the company.

§ 14. That it shall be lawful for said company to receive, lease, purchase, or otherwise acquire, hold, use, and enjoy all such real estate and personal property, or mixed property, as may be convenient or desirable for constructing, operating, or equipping said railroad, and a line of telegraph along the same or telephone, or which may be conveyed to it and accepted in payment of stock subscriptions, or which may be purchased by it, and may bargain, sell, and convey the same as a natural person.

§ 15. That said corporation may make contracts with any other corporation, person or persons, for constructing or equipping said road, or any part of the same, and pay therefor, in whole or in part, in the stock, bonds, or other property of said company.

§ 16. That it shall be lawful for the corporate authorities of any incorporated town through which said railroad may be located to grant to said company the right of way through said town to construct its said railroad on, upon, or under any public street in such town, such grant of the right of way to be made upon such terms and conditions as may be agreed upon between said company and the corporate authorities of such town.

§ 17. That the board of directors and officers of said company shall have the power to establish such rates of tolls for the conveyance of persons and property on the said railroad as it may deem proper; but not, however, to exceed the rates charged for other similar roads for like services; and it may also agree with any other railroad with which it may be consolidated, or in connection with which it may be operated, for a uniform rate of tolls, and the basis of pro rata between the company and such other railroad.

§ 18. That the Legislature of Kentucky, in granting this charter, reserves the right, by general laws, to control and regulate the freights on the road to be built under this

charter, in common with the other railroads in Kentucky, and to amend this charter.

§ 19. That the railroad to be constructed under this act, and all the property and franchises of the company incorporated by this act, be, and are hereby declared to be, exempt from any species of taxation, State, county, or municipal, for five years after said road shall be so far completed as to run a train on the same its entire length; but this exemption shall not extend beyond ten years from the approval of this charter.

§ 20. The private property of the stockholders shall in no event be liable to the debts of the corporation enacted by this charter.

§ 21. This act shall take effect and be in force from and after its passage.

[Became a law without the signature of the Governor.]

CHAPTER 695.

AN ACT to amend an act, entitled "An act to incorporate the Elkton Railroad Company," approved February tenth, one thousand eight hundred and seventy one.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Elkton Railroad Company is hereby invested with all the rights, powers, and privileges necessary to construct, complete, equip, and operate a railroad, with wide or narrow gauge, from the town of Elkton, in Todd county, to the town of Guthrie, in said county, or to any other point on the Louisville and Nashville Railroad in the direction of Hopkinsville from Guthrie, or in the direction of Russellville from Guthrie, which may be selected and agreed upon by a majority of the directors of said company.

§ 2. It shall be lawful for said company, by its agents or officers, to secure subscriptions to its capital stock, payable in real or personal estate, cash, notes, or bonds, situated in the State of Kentucky, and to take a deed or deeds for the real estate in fee-simple, and to issue certificates of stock thereon; and the real estate thus acquired may be held or

used and conveyed by the company as a natural person; but all lands acquired under this act not necessary to the business of said corporation must be sold or disposed of by it within five years from the completion of its said road.

§ 3. For the purpose of aiding in the construction and equipping of said railroad, said corporation shall have the right and power to issue and sell its bonds for any amount not exceeding seventy thousand dollars, in such denominations as it may elect, bearing interest not exceeding seven per cent. per annum, payable annually or semi-annually, and payable at such time, not exceeding twenty years from their date, and at such place as may be agreed upon by the directors of said company; and the said corporation shall have the power to mortgage and convey its said railroad and its rolling stock, fixtures, franchises, and all other property, to secure the payment of said bonds, which mortgage, to be effectual, shall be signed and acknowledged by the president of said company, and recorded in the Todd county court clerk's office, and shall, when so signed, acknowledged, and recorded, give the holders of said bonds an exclusive lien upon all of the property and franchises so mortgaged.

§ 4. That so much of the act to which this is an amendment as provides that not more than fifty per cent. of each share of the subscribed stock of said company shall be called for or demanded in one year be, and the same is hereby, repealed; and in lieu of written notice to subscribers of stock for payment thereof, it shall be lawful to publish said demand in a newspaper published in Todd county, and proof of said publication only shall be evidence of a legal demand, and a publication in such newspaper shall be deemed sufficient notice for the meeting of stockholders.

§ 5. That said railroad shall be exempted from taxation during its construction, and for five years after its completion, and shall never be taxed on a valuation greater than the cost of same.

§ 6. That said corporation shall have the right and power to establish and operate a telegraph or telephone line, one or both, along its line of railroad; and to carry express-matter over its said road.

§ 7. That said corporation shall have the right and power to charge for carrying persons at the rate of not exceeding five cents per mile for carrying one person; and to charge for carrying freight at the rate of not exceeding fifteen cents per hundred pounds for the whole line of its proposed road: *Provided*, That said charges shall be at all times subject to amendment or modification by the General Assembly of this Commonwealth.

§ 8 That said company shall have the right to make a reasonable charge for carrying express, and for storing and forwarding express and freights.

§ 9. This act shall take effect from its passage.

[Became a law without the signature of the Governor.]

CHAPTER 696.

AN ACT to amend an act, entitled "An act to amend the charter of the American Mutual Aid Society," approved February seventh, one thousand eight hundred and eighty four.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section, two (2) of an act to amend the charter of the American Mutual Aid Society, approved February seventh, one thousand eight hundred and eighty-four, is hereby amended by adding thereto this clause: *Provided*, That, by direction of the board of directors or executive committee, members who are in good standing in the special department of said society may become members of the general department of said society, and receive certificates of membership therein under the provisions of this section to the extent of two thousand (\$2,000) dollars insurance without additional medical examination.

§ 2 This act shall take effect from and after its passage.

Approved April 10, 1884.

LAWS OF KENTUCKY.

CHAPTER 697.

AN ACT to amend the charter of the Western Bank, at Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The president and directors of the Western Bank, at Louisville, Kentucky, may declare a dividend on each first Monday in January and July, or at such other times as they may deem expedient.

§ 2. The said corporation shall, each year, pay to the treasurer of this Commonwealth the sum of fifty cents on each one hundred dollars of stock held and paid for in said bank, which shall be in lieu of the State and county tax on the assets of said bank.

§ 3. The said corporation's charter is hereby extended for the further period of twenty-five years from the expiration of its present charter.

§ 4. This act is to take effect from its passage.

Approved April 10, 1884.

CHAPTER 698.

AN ACT incorporating the Grand Council of Royal Templars of Temperance for the State of Kentucky.

WHEREAS, Certain persons of full age, citizens of the United States and of the State of Kentucky, having associated themselves together as a corporation for benevolent purposes, and for the promotion of temperance, morality, and industry among all classes in said State; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. Hughlette Wilson, John Marrs, Wm. Brigman, Lloyd B. Rees, H. B. Searcy, R. H. Overstreet, Chas. P. Allen, Geo. A. Lewis, R. E. Bell, Wm. Twyman, Theo. Foree, J. C. Scobee, and E. Case, and their successors, be, and are hereby, created a body-politic, to be known by the name and style of the Grand Council of Royal Templars of Temperance of Kentucky; and by such name and title shall have perpetual succession, and be capable in law of suing and

being sued, plead and being impleaded, and of purchasing, holding, leasing, receiving, and granting, in its corporate name, property, real, personal, and mixed, and of instituting subordinate lodges of temperance, and select Councils of Royal Templars of Temperance, as it may see fit, under such regulations, laws, and rules as the corporation may enact, not in conflict with the laws of Kentucky or the United States.

§ 2. The object of the corporation shall be to foster, encourage, and build up the order of Royal Templars of Temperance in Kentucky, by uniting fraternally all acceptable white men, by the teaching of temperance, morality, and industry. To institute and organize subordinate lodges of temperance for colored men with benevolent benefits attached, and to promote among the colored race a higher, more elevated idea of temperance and morality, and to aid and assist them by giving moral and instructive lectures; by the establishment of a benefit fund, from which, on the satisfactory proof of the death of a benefit member in good standing in the lodge, a sum not to exceed one thousand dollars, shall be paid to his beneficiaries as he may direct; to ameliorate the condition of humanity in all ways possible.

§ 3. The grand council shall have a common seal for its use in the making and delivering of its legal acts and doings, and may alter the same at pleasure.

§ 4. The grand council shall have the power and authority to create, hold, and disburse the funds named in the objects of incorporation for promoting benevolence and relieving the disabled members, under such rules, regulations, and laws as the grand council shall see proper to adopt; and such funds shall forever be exempt from execution or attachment in any legal proceeding in this or any other State, and shall under no circumstances be liable to seizure or appropriation by any legal or equitable process, either in the hands of the grand council, select councils, subordinate lodges, or their respective trustees and officers, for any debt or demands of its living or deceased members; but shall, in all cases, be paid to the beneficiaries in the certificate named; and the said funds shall not be subject to the

laws, rules, and regulations governing the Insurance Bureau of this State.

§ 5. The officers of the grand council elected, and the constitution and by-laws adopted at the organization of the grand council February fifth, one thousand eight hundred and eighty-four, said meeting and organization had and held in Louisville, Kentucky, are, together with all proceedings therein had, declared valid and legal.

§ 6. Any and all the private property of the members of the corporation, or their successors in office, shall forever be exempt from the debts of the corporation.

§ 7. Any grand, select, or subordinate officer or officers, misappropriating the funds or using them in any manner except as provided in the constitution and by-laws adopted at the organization of the grand council February fifth, one thousand eight hundred and eighty-four, or withholding or refusing to turn an account for all moneys, books, papers, or other articles of value of the grand council to his successor in office, shall be deemed guilty of a felony, and confined in the State penitentiary not less than two nor more than five years.

§ 8. This act shall be in force from and after its passage.

Approved April 10, 1884.

CHAPTER 699.

AN ACT amending the charter of the District of Highlands, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Highland District, in Campbell county, Kentucky, is hereby authorized and empowered to procure a tract of land in said district, not exceeding four acres, for the purpose of building thereon a house for school and district purposes. Said land to be selected and chosen by the trustees of said district, who may purchase the same at public or private sale ; but if they are not able to procure, by purchase, the land selected and chosen, they may then condemn the same by proceedings of *ad quod damnum* in the Campbell circuit court.

§ 2. Said trustees may build on the land procured a house for school and district purposes; but they may not expend for said land and house more than eight thousand dollars.

§ 3. For the purpose of furnishing the parts of said building to be used for school purposes, the said trustees may sell the buildings now used for school purposes in said district.

§ 4. For the purpose of paying for said land and building, said trustees may issue the bonds of said district in a sum not to exceed eight thousand dollars; each bond to be for one hundred dollars, to bear interest at five per cent. per annum, payable semi-annually, proper coupons being attached for that purpose. The bonds to be signed by the president of the board of trustees and countersigned by the treasurer, the coupons to be signed by the treasurer only; bonds and interest to be made payable at the German National Bank, Newport, Kentucky. The bonds shall be numbered consecutively from one to eighty, the first ten to be payable one year after date, the second ten two years from date, and so on, paying ten each year until all are paid. No bond shall be sold for less than par and accrued interest.

§ 5. For the purpose of paying said bonds and interest, said trustees may levy and cause to be collected an annual tax upon all the taxable property of said district, not to exceed thirty cents upon the one hundred dollars in any one year; the assessment for State purposes shall be taken as the assessment for this and all other taxes authorized by this act.

§ 6. The land and house so purchased and built shall be the property of said district, and shall be under the control of the board of district trustees. But so much of said building and grounds as shall be necessary for school purposes shall be used and controlled by the school trustees of said district for the maintenance of the public schools therein.

§ 7. The trustees of said district may levy a tax for road purposes on all the taxable property in said district, annually, in a sum not exceeding ten cents upon the one hundred

dollars. They may also levy upon said property annually, for school purposes, a tax not exceeding twelve cents, and for other corporate purposes a tax not to exceed three cents upon the one hundred dollars.

§ 8. The trustees of said district may appoint a policeman therefor, whose fees, duties, powers, and obligations shall be the same as constables. Before exercising any of his powers, he shall be qualified and execute bond in the Campbell county court in the same manner and amount as constables are required to do.

§ 9. So much of the property as shall be used for school purposes only shall be exempt from taxation.

§ 10. None of the powers conferred by this act shall be exercised, nor shall there be any authority to do any of them until this act shall be ratified by the people of said district, and for that purpose the people of said district shall cause an election or poll to be had, at which all qualified voters in said district may vote. The trustees must fix the time and place when said election shall be held, and shall give notice thereof for fifteen days by posting for said time, at not less than five public places in said district, notices in writing or printing, stating the time, place, and purpose of said election. The times of opening and closing said election and poll shall be the same as that for State elections. Said trustees shall select two voters in said district who shall be the judges of said election, and one who shall be the clerk. The constable of said district shall be the sheriff of said election. All said officers must, before acting, be sworn as officers of State elections are required to be. The poll-book shall contain two columns. One headed "Yes;" the other, "No." Each voter, before his vote is recorded, shall be asked by one of the judges the following question: "Are you in favor of ratifying an act amending the charter of the district of Highlands, authorizing it to procure land and build a house for school and other purposes, and empowering it to do other things set out in said act." If the voter states that he is in favor of ratifying said act, his vote shall be recorded "Yes;" if otherwise, "No." Said poll-book shall be signed by the judges and

clerk of said election at the bottom of each page, and at the end of the poll, and shall be delivered by the clerk to said district trustees at their next meeting after said election, who at said meeting shall declare the result of said election, and shall make a memorandum thereof upon their minutes. They shall preserve said poll-book as part of their records. If a majority of the votes cast at said election shall be "Yes," then this act shall be declared ratified; if "No," then this act shall be taken for nought.

§ 11. The trustees of said district may cause all taxes to be collected by a person chosen by them, who, as collector, shall have all the powers in the collection of the taxes of said district now possessed by sheriffs in the collection of the State revenue; but said trustees may not pay for the collection of taxes more than is paid sheriffs for the collection of the State revenue.

§ 12. The county court of Campbell county shall levy a tax for road purposes upon property in said district.

§ 13. The said trustees may assign all persons liable to work roads under the general law of the State to the county roads in said district, and may cause them to work upon the roads to which they are assigned not more than two days in any one year. Any person, when so assigned, who fails to work when properly called on by the overseer of his road, shall be liable to the same fines and penalties imposed for like offenses by the general road law of the State, to be enforced and collected as therein laid down.

§ 14. The boundary lines of said district shall be amended and changed as follows, to-wit: So as to omit and cut off from said district all lands lying on the west side of the Campbell Turnpike Road, and north of the line dividing the Caldwell or Kinney farm from the Digby farm. Also amending the boundary of said district so as to omit and cut off therefrom all that part of the Jamestown road lying north of the boundary line of said district where it crosses said road upon the dividing line between the lands of James and Henry Walker, hereby repealing all the provisions of all acts in reference to said district in any way applying or intended to apply to said omitted and excluded parts, and leaving

said parts in every respect as though they had at no time been a part of said district.

§ 15. This act shall be in force from and after its passage.

Approved April 10, 1884.

CHAPTER 700.

AN ACT to authorize the commissioners of the sinking fund of the city of Louisville to sell bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the commissioners of the sinking fund of the city of Louisville be, and they are hereby; authorized to sell and dispose of the remainder of the one million five hundred thousand dollars of city of Louisville four per cent. coupon bonds upon the best terms to be obtained, though it be at less than their par value, any provision in the ordinance providing for their issue to the contrary notwithstanding.

§ 2. The said bonds may, in the discretion of the commissioners of the sinking fund of said city, before they are sold, be changed so as to become due forty years after their date, in the place of being twenty-forties as now prepared.

§ 3. This act shall take effect from its passage.

Approved April 12, 1884.

CHAPTER 701.

AN ACT to incorporate the Beargrass Turnpike Company, of Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William E. Bryan, Arthur Peter, F. S. Dravo, J. E. Bryan, J. Huber, Morris Stevens, Charles Bryan, B. F. Alderson, and William L. Allen, be, and they are hereby, incorporated as a body politic and corporate, under the name and style of the Beargrass Turnpike Company; and are hereby invested with all the powers incident and usual to such corporations for the purpose of building a turnpike

road in Jefferson county, from the six mile-post on the Louisville Turnpike Company, east along the county road to the Mill road; thence north with the Mill road to Vogt's; thence east with the county road to Levi's; and said corporation may, by a vote of the majority of its stock, continue and finish its turnpike road along the county road to Louisville and Taylorsville Turnpike, at Owings' outlet.

§ 2. The capital stock of said company shall be six thousand dollars, divided into shares of twenty-five dollars each; and said incorporators, or any three of them, may open books and receive subscriptions to the stock of said company. Said capital stock may, by a vote of the majority of its stock, be increased to ten thousand dollars, the increase to be divided into like shares as provided for the original capital stock.

§ 3. After said original capital stock has been subscribed, the stockholders may meet at any time and place selected by the acting incorporators, and proceed to the election of five directors; and such elections shall, as nearly as practicable, be held annually thereafter at some convenient place, to be designated by the board of directors. At said elections each share of stock represented, either in person or by written proxy, shall be entitled to one vote.

§ 4. Said directors shall hold office until their successors are elected and qualified, and shall have power to fill any vacancy in the board which may occur between the annual elections. And said directors shall elect a president, a secretary, and a treasurer; one person may fill any two or all three of said offices, but no one shall be eligible as president who is not a member of the board of directors.

§ 5. Said president and board of directors shall prescribe in what installments the subscription of stock shall be paid.

§ 6. The width of the artificial part of said road shall not be more than thirty feet, and the portion of it covered with metal, gravel, or macadamized stone shall not exceed fifteen feet, and may be as narrow as ten feet.

§ 7. Said president and board of directors may arrange with either or both the Louisville Turnpike Company and

the Louisville and Taylorsville Turnpike Company for said companies to collect the tolls for passage on the road of the company hereby incorporated.

§ 8. The provisions of the General Statutes of Kentucky concerning turnpike roads, so far as they are not inconsistent with this act, are hereby made part of this charter.

§ 9. The company hereby incorporated may, by a vote of the majority of its stock, in value of its stockholders, sell and dispose of the road hereby authorized, and the franchises hereby granted, to any other turnpike company whose road connects with the same.

§ 10. This act shall take effect from and after its passage.

Approved April 15 1884.

CHAPTER 702.

AN ACT to establish and maintain a graded free school in Williamstown, Grant county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of establishing a graded free school in the town of Williamstown, in Grant county, Kentucky, the following boundary of land in Grant county, including the said town of Williamstown, viz: Beginning at a point in the center of the line of the Cincinnati Southern Railway, directly opposite the mouth of the Baton Rouge road; thence, running in a westernly direction with the line of said road, to the present division line between the lands of E. H. Conrad and Wm. Conrad, sr.; thence in a southwesternly direction with said division line, and continuing said course so as to include the old Caldwell farm of O. P. Hogan, sr., and the land of John H. Webb, known as the Williams tract; thence to the Steam Mill Branch, at and crossing same near the corner of said land and the lands of Samuel Wallace and L. Cavanaugh; thence continuing said course so as to include the Cavanaugh land, and thence changing the course, but continuing so as to include the lands of Milton Caldwell, James T. Willis, the old Ferguson farm; thence changing the course so as to

Graded school
established

Boundary.

cross the Cincinnati Southern Railway at the south line of J. J. Scroggin's farm; thence northeasterly, so as to include the lands of H. B. Tucker, James Cornelius, and the lands of Isaac Biddel; thence in a course so as to include the dower tract of Mrs. Marietta Kendall and the lands of Phœbe Collins, and the lands of A. Lingenfelter and Wm. Bishop, on the south side of the Falmouth road, and crossing said road at a point where the lands of A. Lingenfelter, W. T. Simmons, and Wm. Ransom corner; thence to continue in a course so as to include the lands of Jos. A. Littell, David Bishop, the other dower lands of Marietta Kendall, U. Harrison, Jos. and Lee Hume, and the lands of H. Clay White, to the beginning; and all the territory within said boundary is hereby constituted a common school district, and declared to be a body-corporate, and possessing all the powers necessary to the execution of the purposes hereinafter set forth. The corporate name thereof shall be known as the Williamstown Graded Free School District.

Name.

§ 2. The said school district shall be under the exclusive control of six trustees, who shall be white men, resident voters of said district, and before they shall begin to act under their election or appointment, as hereinafter provided, they shall take an oath to faithfully and impartially discharge their duties according to the law. The term of office of said trustees shall be for three years, and until their successors are duly elected and qualified, except as herein provided.

Trustees.

To be elected.

Term of office

§ 3. The first election of said trustees shall be had at the school-house in said district on the first Saturday in May, one thousand eight hundred and eighty-four, at which time six trustees shall be elected by the white qualified voters of said district. Two of the trustees so elected shall hold office for one year, two for two years, and two for three years, and the said trustees shall, after their election, determine by lot which of them shall hold office for the term of one, two, and three years, and annually thereafter, on the first Saturday in June in each year, the qualified white voters in said district shall elect two trustees to fill the places of

the two whose term of office then expires. The trustees first elected shall qualify at once, and the term of office of those subsequently elected shall begin on the first day of July of each year after their election. Should a vacancy in the office of trustee occur at any time from any cause, the trustees in office at the time shall fill said vacancy by appointment.

§ 4. The time and place of each election of trustees shall be advertised for at least ten days before the day of election, by written or printed posters, in at least three public places in said district.

§ 5. Said trustees shall elect a president and secretary of their board, of their own number, annually, who shall hold office one year, and until their successors elected and qualified. They shall also elect a treasurer, who shall hold office for two years, and until his successor is elected and qualified, and shall require him to execute bond for the faithful performance of his duties, with good security, to be approved by the said board of trustees, before entering upon his office.

§ 6. Said trustees shall have exclusive control of the selections and appointment of all teachers, and for that purpose may appoint examiners, prescribe qualifications for teachers, and may discharge any teacher at any time without previous notice or trial, at any time when a majority of them shall, in their opinion, deem the best interests of the school demands such discharge. They shall have exclusive control of the salaries of all teachers or officers employed in said school, but shall enter into a written contract with all teachers, reserving their rights and powers to themselves.

§ 7. The said board of trustees shall have power to suspend or expel from said school any scholar whose conduct in their judgment may deserve it, after a fair investigation of charges preferred. They shall regulate school discipline, prescribe the course of study, text-books to be used, examinations, make such other regulations and appointments as they deem necessary. They shall have the school buildings kept in repair, and shall purchase fuel, books, stationery, apparatus, and such other articles and things as shall be necessary to conduct said school properly.

§ 7. The trustees of common school district number one (which is included in this and composes the boundary herein) shall, on the first Saturday in May, one thousand eight hundred and eighty-four, after advertising time, place, and purposes of the election for fifteen days at ten public places therein, open a poll-book at the school-house in said district, and submit to the qualified white voters thereof the question whether or not they are in favor of establishing said graded free school, as herein provided for, or whether they are against same; and at the same time and place the said voters shall vote for six trustees hereinbefore provided for; and this act shall not go into effect or be in force until a majority of said voters shall have voted in favor of establishing said school. If the question carries, then the six persons voted for as trustees, who shall have received the highest number of votes, shall be declared duly elected as the first board of trustees of said school, and if the question shall be defeated there shall be no election of trustees. The trustees herein directed to hold said election shall conduct same as the law requires for the election of trustees of common schools; and the sheriff of said election shall, within three days after said election, return the poll-book to the office of the county court clerk, which poll-book shall be compared in the same manner now required by the law in the election of county judge. The certificate of the result of said election shall be spread at large on the order-book of the Grant county court as soon as the same shall be made.

§ 8. The trustees herein provided for shall have power to buy or build such property as will be necessary for the purposes of said school, and keep same in repair, and so forth; and for the purpose of enabling them to buy or build, and to do such other things as are required of them herein, they shall have power to levy a tax on all the property in said district (except such as belongs to the colored people therein), not exceeding fifty cents upon the one hundred dollars annually; and the money so raised by said taxation shall be applied to buying property, repairing same, salaries of teachers, and to any and all debts against the said trustees

which they shall create in conducting said school, and is not restricted to any particular fund.

§ 9. The said trustees shall, as soon as practicable each year, after the county assessor shall have returned his assessment of the property in said county, have entered upon the order-book of the Grant county court the amount of tax that shall be levied and collected on the property in said district for said year for said purposes; and the same shall be considered an assessment for said purposes as fully as if the said property had been listed for that special purpose; and the valuation so affixed by the county assessor shall be made the basis of valuation for the school tax herein provided for.

§ 10. The trustees shall have power to appoint a collector of said taxes, and require of him such bond as they may deem sufficient, covenanted to for said trustees all moneys so collected, and so forth; and the said collector shall copy the assessment of the county assessor on all property in said district, and proceed to collect the tax for said school purposes at once; and shall make monthly settlements and final annual settlements of his collection with said board, by the first day of August in each year. The trustees shall have power to fix the salary or fees of said collector. The collector herein provided for shall have all the rights and power to collect said tax that sheriffs now have to collect the State revenue.

§ 11. The treasurer of said board of trustees shall not pay out any money belonging thereto until the board of trustees shall order same paid, and a warrant therefor has been signed by the president, and attested by the secretary; and said treasurer shall settle his accounts with the said board of trustees annually, on the fifteenth day of August; and the board of trustees shall make a full settlement of their accounts on the first day of September in each year with the county judge of said county, which settlement shall be subject to exceptions by any voter in said district as the county attorney for Grant county, the same as guardian, and shall be, when confirmed, secured in guardian settlement.

§ 12. Said trustees shall not receive any compensation for their services ; and they shall not expend in the purchase of grounds and house for said school more than ten thousand dollars ; and they may be sued and sue in their corporate name as individuals may.

§ 13. The trustees are authorized to receive and hold all donations of property, real or personal, for the benefit of said school ; and they may buy and sell and convey real or personal estate for said purposes as fully as individuals may : *Provided*, That all money shall be paid to the treasurer, and by him held subject to the order of the board.

§ 14. That all property, money, or choses in action belonging to said common school district number one, in Grant county, be, and the same is hereby, transferred to the district hereby created, and the trustees of said district may sue and recover same ; and the board of trustees hereby created are authorized and empowered to sell any and all of the property so transferred, and apply the proceeds to the purchase of other grounds and houses for said school purposes.

§ 15. That the said board of trustees shall, through their secretary, keep a full and complete record of their proceedings in all matters, which shall be signed by the president and attested by the secretary, which shall be received as proof in all the courts of this Commonwealth as other records.

§ 16. That all white children of the ages prescribed by the common school law of this State residing in said district shall have the right to attend said graded school free of charge, and the trustees may admit other pupils to said school upon such terms and charges as they may, from time to time, prescribe.

§ 17. Said trustees are authorized and empowered to draw from the common school fund the pro rata which said district would be entitled to under the common school law, and deposit the same with their treasurer, to be used alone for the payment of salaries of teachers in said district, and for these purposes the trustees of said district shall carefully ascertain the number of white children residing in said dis-

trict between the ages of six and twenty years, and make a report thereof to the commissioner of common schools for said county, as is required by the common school law of the trustees of common schools; and the commissioner of common schools shall report same to the Superintendent of Public Instruction for the State; and in disbursing the public school money, from time to time, said district shall be entitled to receive, in due proportion with other districts of the State for white children, and the same shall be paid to the board of trustees herein, instead of paying same to teachers as is by law required to be paid.

§ 18. The trustees shall, at any time they may deem proper, submit to the qualified voters of said district the question whether or not a poll-tax of not exceeding in any one year the sum of two dollars, shall be levied on each white voter in said district, after giving notice of said election as is required herein for the election of trustees and the adoption of this act, and if a majority vote in favor of the levy, the trustees shall proceed to levy and collect same as county levy is collected.

§ 19. Nothing in this act shall be construed to apply in any way to the common schools that are now or may hereafter be taught for the colored people in said district, and the fund created for the benefit of colored schools in said district, either by general, local, public, or private acts, or that may be so used from any and all sources, shall be forever free from use in the district for white children hereby created.

§ 20. The trustees of the common school in district number one, in Grant county, shall have power to open a poll, not oftener than once every year, upon the question of establishing this district, and the election of trustees as hereinbefore provided for, until same shall be adopted, and no other election shall be held by them; but all subsequent elections, upon any and all questions, shall be held by the board of trustees hereby created; and said board shall appoint a sheriff, clerk, and two judges of each election, who shall be duly sworn to faithfully discharge their duties as such before entering on the duties of said office. All elec-

tions for the election of trustees only, after first board is elected, shall be compared by the board of trustees, and certificates of election issued to the persons receiving the highest number of votes shall be issued by the board of trustees, signed by the president and secretary; but in all elections on questions of taxation, or upon any financial questions, the poll-books shall be returned by the sheriff of the electon to the county court clerk, and compared as is required in the election of county judge, and the result spread at large on the order-book of said court.

§ 21. All acts or parts, both public and private, in conflict with this act, are hereby repealed; and this act will take effect from and after its passage.

Approved April 15, 1884.

CHAPTER 703.

AN ACT to prohibit the selling, giving, lending, or furnishing of spirituous, vinous, or malt liquors, hard cider, or any intoxicating drink, within two miles of the Christian Church, in the town of Bellevue, in Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell, give, lend, or furnish, to any person whatever, spirituous, vinous, or malt liquors, hard cider, or any intoxicating drink, within two miles of the Christian Church, in the town of Bellevue, in Boone county.

§ 2. Any person guilty of a violation of the first section of this act shall be fined sixty dollars (\$60) for each offense upon conviction, upon indictment of the grand jury of Boone county, or upon a warrant issued and tried by and before any magistrate of Boone county. Said fine, when imposed, to be collected as are other fines for similar offenses.

§ 3. This act shall take effect from and after its passage.

Approved April 10, 1884.

CHAPTER 704.

AN ACT act to prohibit the sale of spirituous, vinous, or malt liquors within four miles of Carpenter's Creek Church, in Casey county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons to sell any spirituous, vinous, or malt liquors within four miles of Carpenter's Creek Church, in Casey county.

§ 2. That any person or persons violating the first section of this act shall be fined for each violation the sum of fifty dollars, to be recovered by indictment of a grand jury or warrant from any court having jurisdiction.

§ 3. That this act shall be in force from and after its passage.

Approved April 10, 1884.

CHAPTER 705.

AN ACT to incorporate the Owensboro City Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James M. Alsop, J. A. Fuqua, W. A. Hauser, J. D. Powers, and Ed. T. Halsey, and their associates, be, and are hereby, created a body-politic, by the name of the Owensboro City Railroad Company; and shall have perpetual succession, and by said name shall be capable of suing and being sued, pleading and being impleaded, together with all the powers and authority incident to such corporations, for the purpose hereinafter mentioned.

§ 2. This corporation is hereby authorized and empowered to construct, maintain, and operate a single or double track railway, with all necessary and convenient tracks for terminus, switches, side-tracks, and appendages, in the city of Owensboro, over and along any of the streets of said city: *Provided*, That consent therefor shall first be obtained from the council of said city: *And provided further*, That the track or tracks shall be laid on such grades as may be established by the city council for the respective streets in said city.

§ 3. The capital stock of the Owensboro City Railroad Company shall be fifty thousand dollars, and may be increased from time to time at the pleasure of said corporation. Said capital stock shall be divided into shares of fifty dollars each, and be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct.

§ 4. The affairs of said company shall be managed by five directors, one of whom shall be president, and all of whom shall be stockholders. The board of directors shall be chosen by the stockholders, and shall continue in office for one year, or until their successors are elected and qualified. Those named in the first section of this act may, at any time, meet and organize as a board of directors, and elect a president and appoint other officers; and they shall continue in office until their successors are elected by a majority of those in interest of the stockholders of said corporation; and if, for any reason, any of said corporators shall fail to act, the vacancy shall be filled by the remaining members of the board. Said corporators, or any of them, before or after they are organized as a board of directors, may open books of subscription to the capital stock of the Owensboro Railroad Company herein incorporated, and such books of subscription may be opened, and subscriptions received, at such time and places, upon such notices therefor, and on such terms, as any of the said corporators may deem right and proper; and when as many as two hundred shares shall be subscribed, said corporators shall call a meeting of the stockholders, by notice published in a newspaper in the city of Owensboro having general circulation, for at least ten days before the time of holding said meeting, at which five directors shall be elected, to whom and their successors the business of the company shall be intrusted. At all elections for directors each share of stock voted shall be counted as one vote, and shall be cast by the holder thereof in person or by written proxy.

§ 5. The stock subscribed for shall be paid for in such manner and upon such conditions as the corporators or directors may prescribe before said subscriptions are made:

Provided, It shall be lawful for the corporators or board of directors to receive subscriptions to said capital stock, payable in contracts to build any part of said road-way, or to perform any work, or to furnish any materials which may be accepted by the company. And in addition to the subscription to stock, said company may receive donations by way of bonus, either in money or property, and all such obligations shall be fully binding on the obligors according to the terms and conditions thereof.

§ 6. The said corporation is further authorized to extend such railroads as they may construct under this act to any point or points within five miles from the limits of the city of Owensboro; and to enable said corporation to construct any railroad authorized by this act, the said corporation is invested with the right to acquire such land or right of way by writ of *ad quod damnum*, in the same manner that turnpike road companies are authorized by chapter one hundred and ten of the General Statutes of Kentucky, as may be necessary for laying tracks, side-tracks, terminus, and for workshops, depots, car sheds, and stables: *Provided*, The public highways of the county shall not be taken or used for and by such railroad unless by consent of the county court, a majority of the justices concurring.

§ 7. Said company shall have power to issue and sell its bonds, payable at such times and places as it may deem best, and bearing interest at a rate not to exceed six per centum per annum, interest payable semi-annually, and may execute a mortgage upon its property, rights, and franchises to secure the same, and which mortgage, upon default of payment of the interest or principal when due, may be foreclosed as other mortgages are. All of the bonds of any single issue under the mortgage outstanding shall be a co-ordinate lien under the mortgage, and any foreclosure shall inure to all the *bona fide* bond-holders, whether parties to the suit or not.

§ 8. This act shall take effect from and after its passage.

Approved April 8, 1884.

CHAPTER 706.

AN ACT to incorporate the Hopkinsville and Cadiz Railroad Company.

WHEREAS, The construction of short lines of railroad, affording facilities of transportation to sections, towns, and cities of this Commonwealth, which are not upon any through line of railway, is deemed and hereby declared to be a work of great public importance, and in strict accordance with the true policy and interest of the Commonwealth, and should be encouraged by legislative sanction and liberality; and whereas, it is difficult to secure the construction of such short lines of railway, and their conveniences and benefits to the people of this Commonwealth, on account of the fact that such roads do not receive any earnings or support from through tolls and traffic; now, therefore, in order to induce the investment of capital in the construction, maintenance, and operation of such a railroad, and thus develop the resources and wealth of the Commonwealth,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established a body-politic and corporate, under the name and style of the Hopkinsville and Cadiz Railroad Company; and as such shall have perpetual succession, and said corporation, its successors and assigns, are hereby authorized and made capable in law of purchasing and holding and using such real and personal estate as may be deemed necessary for the purpose of its incorporation, and such as may be taken or acquired in the payment of dues to it, and such as may be donated to it; and to sue and be sued, plead and be impleaded; to use a common seal, and the same to alter, break, or renew at pleasure.

§ 2. That the said corporation shall also have, and it is hereby authorized and invested with, the right and power to build, construct, and thereafter to use, operate, own, and enjoy a railroad and branches thereof, with a double or single track, switches, sidings, and depots, along such route as the company may select, from the city of Hopkinsville, in Christian county, to the town of Cadiz, in Trigg county, this State, and may extend the said railroad on to Mayfield,

in Graves county, or by any other route they may deem best to a point on the Ohio or Mississippi river, in this State.

§ 3. That the capital stock of said company shall be fifty thousand dollars, but the same may be, from time to time, increased to a sum or sums not exceeding the amount necessary for the construction, completion, and equipment of said railroad and property. Said capital stock shall be in shares of one hundred dollars each, and each share thereof shall entitle the holder to one vote in the election of directors, and on all questions coming before the stockholders, under such regulations as the company may, in its by-laws, provide. Said stock shall be deemed personal property, transferable by assignment agreeably to the by-laws of said company.

§ 4. That E. P. Campbell, John C. Latham, Samuel G. Buckner, R. T. Petree, W. G. Wheeler, S. E. Trice, and H. G. Abernathy, of Christian county; and Thomas C. Dabney, T. H. Grinter, Geo. W. Lindsey, Robt. Wilford, Fenton Sims, and J. W. Crenshaw, of Trigg county, or such majority of them as may choose to act, are hereby constituted and appointed commissioners to open books and receive subscriptions to the capital stock of the company, at such times and places, and upon such terms and conditions as they may deem proper; and whenever subscription of stock to the amount of twenty-five hundred dollars has been made, such acting commissioners shall call together the subscribers of said stock, for the purpose of electing a board of directors. The stockholders shall then proceed to elect from their number nine directors, who shall hold office for two years, and until their successors are elected and qualified. And thereafter the management and control of the property, and the business affairs thereof, shall pass to such board of directors, and such officers and agents as they may designate and elect; and said board of directors may, of their number, elect a president, and fix his term of office and compensation, and may provide for the election or appointment and removal of such other officers and agents as and when they

please; and may create and abolish such offices, fix the duration and compensation thereof, from time to time, as may seem best, and may adopt, modify, or alter by laws for said company at their will, not inconsistent with the Constitution and laws of this State or of the United States, and do all other acts proper or necessary to be done in the management of the affairs of said company.

§ 5. That said company shall have the power to execute negotiable bonds in a sum not exceeding three hundred thousand dollars; and to execute a mortgage on its railroad, rights, franchises, privileges, and other property, to secure the payment of the principal and interest thereof; and to sell and deliver said bonds at such price, and in such manner, as the directors may deem best. Said company may consolidate with any other railroad company of this State, upon such terms as said companies may adopt and establish; and it shall have power and authority to lease to any other railroad company of this State its railroad, branches, and all its property, franchises, rights, powers, privileges, and immunities then owned or thereafter to be acquired; and in case of a lease, the lessee shall enjoy and possess, so far as the terms of the lease may allow, all the property, franchises, rights, powers, and privileges which the said company is empowered to possess, use, and enjoy; and it may make such traffic and running arrangements with other railroads as it may see proper. The said company is also authorized to acquire or put up, use, and operate a line or lines of telegraph in this State along the line of said road; and to acquire, hold, and enjoy all such property as may be necessary or convenient in doing the said telegraph business.

§ 6. That in order to make the rate for transportation of goods, wares, and merchandise, and other property, and the rates of fare for the transportation of passengers uniform in this State, the company hereby incorporated shall have the right to make the same charges for such transportation of goods, wares, merchandise, and other property and passengers that the other railroad companies in this State now have by virtue of their charters and amendments thereto.

§ 7. Said company is hereby authorized to cause such examinations and surveys to be made as shall be deemed necessary to determine the most eligible route upon which to locate its lines and branches, side-tracks, and switches, and with the consent of the owners thereof, to enter upon and appropriate all such lands, rocks, timber, earth and gravel, sand and other materials, as may be private property, which may be convenient or necessary for the construction and operation of such railroad, branches, and switches, together with fifty feet either side of the center of such track or tracks of such railroad and branches, side-tracks, and switches; but in case the company fail to agree with the owners of such lands or materials upon the price to be paid for the fee simple title thereto, or in case the owner is under any disability to contract, or is absent from the State, or is unknown, the company may proceed to condemn such lands and materials as provided by the act of the Legislature of this State, approved April the first, one thousand eight hundred and eighty-two, chapter nine hundred and fifty-three, and entitled "An act to prescribe the mode of condemning land for the use of railroad and turnpike companies," with all the rights and powers therein provided; and upon such condemnation being had and the payment of the sums assessed and awarded, the title in fee-simple to such lands and materials shall vest in said company, its successors and assigns, and it may take immediate possession thereof. Said company is also authorized to construct, maintain, and operate its railroad under, over, and across all streams or bodies of water in this State, whether navigable or not, which lie across or along their line: *Provided*, That when any navigable stream is crossed, a bridge or draw sufficient to allow the passage of water-craft plying such waters shall be maintained and operated, so as to cause no unreasonable delay to such craft.

§ 8. Said company is hereby granted the right to run its railroads and branches, side-tracks and switches; into the corporate limits of any incorporated town or city in this State, after having first obtained the consent of said towns or cities, and to build and operate such railroad tracks across or along any streets of such incorporated municipality, or

any other public highway: *Provided*, That such part of said railroad as shall be located in, across, under, or upon any such street or highway, shall be so constructed and operated as shall not unreasonably hinder its use as a street or highway.

§ 9. This act shall take effect from its passage.

Approved April 8, 1884.

CHAPTER 707.

AN ACT to incorporate the Fairfield and Plum Run Turnpike Road Company, in Nelson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joseph B. Magruder, Martin Whelan, B. J. Adams, R. C. Hagan, and H. W. Pitt, and their associates and successors, be, and are hereby, created a body-politic and corporate, under the name and style of the Fairfield and Plum Run Turnpike Road Company; and by such name may sue and be sued, and hold and enjoy all the rights, powers, and privileges incident and belonging to similar corporations in this Commonwealth.

§ 2. The object and purpose of said company, and for which they are hereby invested with corporate powers, is to construct and operate a turnpike road, which road shall commence at a point on the Bardstown and Bloomfield Turnpike Road at or near the residence of Thomas Y. Simpson, and shall terminate at the town of Fairfield, in Nelson county, or at some point on the Bloomfield and Fairfield Turnpike Road most convenient and practicable in the vicinity of said town of Fairfield.

§ 3. Said persons are authorized to open books and receive subscriptions to the capital stock of said company at any time and place they may deem proper. Said stock shall be divided into shares of fifty dollars each, and the entire capital stock shall not exceed a sum sufficient to construct said road, and to erect the necessary toll-houses thereon.

§ 4. When in the judgment of said incorporators a sum shall have been subscribed sufficient to build two miles of said road, they shall call a meeting of the stockholders, after having given due notice thereof, and at such meeting said stockholders shall elect from their number a president and five directors. Said president and directors shall respectively hold their offices for the period of one year, and until their successors are elected and qualified. The time and place of election after the first shall be fixed by the president and directors, and shall take place once in each year. A majority of the board shall transact business, and shall be convened by the president or any three of the directors.

§ 5. The management and control of said company's affairs shall be intrusted to the president and directors, and they are empowered to appoint a treasurer and secretary, and to take bond from each for the faithful discharge of duty. Said company shall be capable of holding its capital stock, and the increase and profits thereof, and may hold by gift, purchase, or otherwise, anything necessary for the prosecution of their work or the objects of its incorporation; and they shall have power to contract and be contracted with, and to do generally all and every act or thing lawful for a corporation to do to effect the object for which said incorporation was created.

§ 6. Said corporation may fix and regulate the grade of said road, and its covering with stone and gravel, and may designate the places for toll-gates thereon, and may fix the rates of toll, but same shall not exceed the rates prescribed by the general law. After two and one half miles of said road are completed, said company shall have power to erect gates and collect tolls, and apply same to the completion of said road.

§ 7. Said company shall have the powers conferred and be subject to the provisions of chapter one hundred and ten of the General Statutes of Kentucky, and the amendments thereto, except as herein differently provided. If said company shall be unable to contract with the owner of any land or material necessary for the company's use, they may secure the right of way in the manner and upon the terms

provided in an act of the General Assembly of Kentucky, approved April eleven, one thousand eight hundred and eighty-two, prescribing the mode for condemning land for use of railroad and turnpike companies, and they may secure the necessary material for building said road as now provided by law.

§ 8. This act shall be in force from and after its passage.

Approved April 10, 1884.

CHAPTER 708.

AN ACT to incorporate the Louisville Storage and Warehouse Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John B. Bangs, E. W. McKenna, B. F. Mitchell, R. W. Geiger, Charles H. Gibson, and Richard Condon, and their associates, successors, and assignors, be, and they are hereby, created a body-corporate, under the name of The Louisville Storage and Warehouse Company ; and in that name shall have perpetual succession, and have and enjoy all the rights, powers, and privileges which incorporated companies organized under chapter fifty-six of the General Statutes of Kentucky have and enjoy.

§ 2. The business and affairs of said company shall be managed and controlled by a board of not less than five or more than nine directors, who shall be elected annually, and who shall elect a president, secretary, treasurer, manager, and such other officers as they may deem necessary, who may or may not be members of the board, and whose duties shall be prescribed by the by-laws of the said company. The incorporators above named shall act as directors until the stockholders of said company shall hold their first annual meeting, or until their successors are elected; and in case there is any vacancy in said board, it may be filled by the remaining members of the board. The treasurer, and all other financial agents of said company, may be required to execute bond for the faithful performance of their duties in such sum as the board may fix.

§ 3. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each; but the same may be increased at any time by the board of directors to a sum not exceeding two hundred and fifty thousand dollars. The company may except real or personal property needed by it in prosecuting its business in payment for subscriptions to the capital stock at such price as may be agreed on.

§ 4. The said company, when organized, shall have power to do a general storage and warehouse business, and to make advancements on property of any kind consigned to or stored with it, and shall have a lien upon all property so consigned to or stored with it to secure to it the re-payment of its advances, with legal interest, and all proper charges for storage, insurance, and other expenses connected therewith. The said company may issue warehouse receipts, subject in all respects to existing or future laws of this State concerning the issuing of warehouse receipts.

§ 5. It shall be lawful for any common carrier, having a place of business in Louisville, holding baggage or freight of any kind, which has remained unclaimed by the owner or consignee for five days after reaching Louisville, or on which the owner or consignee refuses to pay the proper charges, to store the same with the said company, taking its receipt therefor, and upon so doing the carrier shall be relieved from all future responsibility or liability on account thereof; and the said company may advance to the carrier the amount due it for freight and charges, and said company shall have a first lien on the property so stored with it, to secure to it the repayment of the money so advanced by it, with interest, together with its just and proper charges for storage and other expenses connected with the care of said property.

§ 6. When any property, not perishable in its nature, shall be stored with said company by any common carrier, as provided in the preceding section, the said company shall safely keep and hold the same for not less than three months, if the owner thereof shall not sooner pay the charges thereon and receive the same, when it may, after first giving public notice by five insertions in a daily news-

paper of general circulation in Louisville, proceed to sell the same at public auction to the highest bidder for cash, and the purchaser thereof shall acquire a valid title to the property so sold. The said notice shall specify the time and place of sale, the character of the property to be sold, and the marks, if any, thereon. The proceeds of such sales shall be applied first to the payment of all just and proper claims of the said company upon the property sold, and the balance, if not claimed by the person entitled thereto within six months after the date of the sale, shall be by said company paid into the State Treasury, to be disposed of as the General Assembly may hereafter direct.

§ 7. When property of a perishable nature is not claimed by the owner or consignee, and remains in the possession of any of the common carriers doing business in Louisville for twenty-four hours after reaching Louisville, it shall be lawful for such carrier to store the same with said company, and to be relieved from all future responsibility or liability therefor; and if the owner or consignee of said property is unknown to said company, or cannot be found, or, after being requested to do so, refuses to pay the charges and receive said property, then said company may proceed to sell the same, without advertisement or notice, in such manner and at such place as they may deem best for the interest of the owner thereof, and shall apply the proceeds of sale in the manner provided in section six hereof.

§ 8. When property is stored with said company, and the owner thereof fails or refuses, at the expiration of the period for which the same is stored, to pay said company all sums due to it on account thereof, and remove the same from said company's warehouse, the said company, after giving notice as provided in section six, may proceed to sell the same for cash to the highest bidder, and apply the proceeds of the sale in the manner directed in section six, or the same may be disposed of in such manner as may be prescribed by any special contract or agreement under which the property is stored; and the purchaser, at any sale made by said company in the manner herein prescribed, or in pursuance to any special contract or agreement, shall acquire a valid title to the property purchased.

§ 9. The said company shall keep a correct register of all property stored with it by carriers, showing the character and description of the property, the marks thereon, the amounts advanced thereon, the charges and expenses thereon, and the disposition made thereof, and said register shall at all times be open to the inspection of the State Treasurer, or any agent appointed by him to examine the same; and upon the failure of said company to pay to the State Treasurer, on demand, any sum which by the provisions of this act should be paid into the State Treasury, the said company may be proceeded against in the Franklin circuit court, and on its failure to satisfy any final judgment rendered against it, requiring it to pay any sum of money into the State Treasury, it shall forfeit the franchises hereby granted to it.

§ 10. This act shall take effect from and after its passage.

Approved April 10, 1884.

CHAPTER 709.

AN ACT to amend the charter of the city of Vanceburg, in Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the marshal of the city of Vanceburg, in addition to his other duties, shall have the same power and authority now by law vested in the street commissioner, and it shall be his duty to do and perform all work now required of and made the duty of said commissioner. That the said marshal shall be subject to the same restrictions, rules, and penalties, receive the same pay for like services as is now paid the street commissioner.

§ 2. That subsection three of section thirty-six of the charter of said city of Vanceburg be amended, so that no person shall be a qualified voter at any election in said city, which pertains exclusively to the government of said city, until he has paid all tithes and taxes assessed against him for the benefit of said city for the year preceding the time at which he offers to vote. The officers of elections may

demand and require of the person offering to vote the evidence that his tithe or tax as aforesaid has been paid.

§ 3. This act shall be in force from and after its passage.

Approved April 10, 1884.

CHAPTER 710.

AN ACT to authorize the county court of Hickman county to dispose of the delinquent tax-list of county revenue and levy by sale or otherwise.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The county court of Hickman county, a majority of the justices of said county being present and agreeing thereto, may, by order thereof, dispose of the unpaid county taxes and county levy or poll-taxes, delinquent tax-payers of county revenue tax and levy of said county, by re-listing same with the sheriff or other collecting officers for collection, or they may sell such taxes or parts of same, at such times as they deem best, to the highest bidder, for cash in hand; such sales shall be made at the court-house door in said county, and due notice of same shall be given by at least three written or printed notices posted in at least three public places in each justices' district, at least fifteen days before the day of sale; and the purchaser at such sale shall have the same right to collect by distraint as sheriffs now have, and the same penalties shall attend him and his acts for illegal distress or distraint as would to the sheriff of the county making an illegal distress or distraint.

§ 2. This act shall take effect from and after its passage.

Approved April 10, 1884.

CHAPTER 711.

AN ACT to regulate the sale of spirituous, vinous, and malt liquors at or within two miles, on an air-line, of Huntsville, Butler county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sale of spirituous, vinous, malt, and other intoxicating liquors, or a mixture of either, in Huntsville,

Butler county, or within two miles on an air-line thereof, be, and the same is hereby, prohibited.

§ 2. That if any person or persons shall violate the provisions of the first section of this act, he shall be guilty of a misdemeanor, and on conviction thereof shall be fined twenty-five dollars for each offense, recoverable before a justice of the peace in said district, or by indictment by a grand jury in Butler county.

§ 3. Said fine or fines shall be paid over to the trustees of this school district (number sixty-two) for the benefit of school in said district.

§ 4. The provisions of this act shall not apply to a regular *bona fide* druggist who sells only for medical purposes, on a written prescription made and signed by a regular practicing physician; no physician shall make or sign any such prescription, unless the person for whom it is made is actually sick, and such liquor is absolutely required as a medicine. He shall state on the prescription that such liquors are for sickness.

§ 5. Any person who makes or signs any prescription, except as provided for in this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined twenty-five dollars for each offense, to be recovered in any court having jurisdiction thereof; said fine or fines to be paid as school funds to the trustees of said district number sixty-two.

§ 6. Nothing in this act shall be construed to prohibit the sale of wine for sacramental use.

§ 7. This act to take effect from and after its passage.

Approved April 10, 1884.

CHAPTER 712.

AN ACT to amend the charter of the town of Montgomery, in Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever, from any cause, a vacancy occurs in the office of marshal for the town of Montgomery, in Trigg

county, the trustees of said town are hereby authorized and empowered to fill said vacancy by appointment until the next regular election for said officer, and his successor is elected and qualified, who shall possess the same qualifications, give the same bond, and be under the same obligations and responsibilities as such marshal, as is fixed and required by the act incorporating the said town.

§ 2. That the boundary of the said town of Montgomery be, and the same is hereby, so enlarged and extended as to include the residence of John W. Wootton within the corporate limits of said town.

§ 3. This act shall take effect and be enforced from its passage.

Approved April 10, 1884.

CHAPTER 713.

AN ACT to incorporate the Covington Transfer Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. B. Simrall, James O'Hara, James W. Bryan, John L. Sanford, W. W. Cleary, and Theodore F. Hallam, their associates, successors, and assigns, be, and they are hereby, incorporated, by the name and style of the Covington Transfer Railway Company; and shall by such name have perpetual succession, with all the rights and privileges of a body-politic and corporate, including the right to purchase, hold, sell, and convey real estate, to have and use a common seal, and change and alter the same at pleasure.

§ 2. The said company may acquire the right of way, and construct, maintain, and operate a line of railway, with single or double track, together with all the necessary appendages, including a line of telegraph, from the city of Covington to the cities of Ludlow and Newport, in the State of Kentucky, and the city of Cincinnati in the State of Ohio, and to connect the line of said railroad so constructed with any other line or lines of railway which may have been or may hereafter be constructed in the said cities of Covington, Ludlow, Newport, or Cincinnati.

§ 3. For the purpose of constructing and connecting said line of railroad with other lines of railroad, and for the accommodation of the commercial and manufacturing business of the city of Covington, said company may construct and maintain bridges for the transfer of railroad cars, vehicles, and foot passengers, over any navigable stream or streams within or bordering upon the State of Kentucky, and charge and receive a reasonable toll for the transporting or passing over said bridge any railroad car, vehicle, foot passenger, or live stock.

§ 4. For the purpose of acquiring lands necessary for the construction and maintenance of said railway, its bridges, depots, stations, turnouts, connecting lines, machine and car-shops, and other appendages, said company may condemn the said land in the manner provided in an act of this General Assembly, entitled "An act to prescribe the mode of condemning land for the use of railroad and turnpike companies," which said act was approved April eleventh, one thousand eight hundred and eighty-two.

§ 5. For the purpose of constructing, operating, and maintaining said line of railway, said company may use and occupy any road, street, or other public ground upon such terms and conditions as may be agreed upon between said company and the municipal corporation or other corporators, persons, or individuals owning or having charge of the same; and if no terms or conditions can be agreed upon for the use and occupation of such street, road, or other public ground, the said Covington Transfer Railway Company may use and occupy the same, paying therefor to the municipal or other corporation, person, or individual owning or having charge thereof, such damages as may accrue to it or them from the use and occupation thereof by said railway company; the damages to be ascertained and determined in the mode provided by law for the condemning of land for the use of railroads and turnpike companies as in preceding section hereof set out.

§ 6. The capital stock of said Covington Transfer Railway Company shall be two hundred and fifty thousand dollars (\$250,000), divided into shares of one hundred dol-

lars each. The capital stock may be increased from time to time, by a majority vote of all the stock subscribed, to not exceed one million dollars. When ten thousand dollars of said capital stock shall have been subscribed, the incorporators named in this act, or a majority of them, shall designate the time and place of meeting of said stockholders for organization, when said company shall be organized by the election of seven directors, who shall serve for a term of one year, and until their successors are duly elected and qualified. Each director, before entering upon his duties, shall be sworn to faithfully discharge his duty as such director in the interest of said company. The board of directors shall elect one of their number president, and shall have power to adopt by-laws for the governing of the business of the company, which by-laws shall designate the time and place of holding the annual meeting of the stockholders for the election of directors, the manner of filling vacancies in the board, and the officers of the company. The said board of directors shall have the power to elect all officers, and do and perform every act and thing necessary to be done for the carrying on of the business of the company which the stockholders could do, except as is in this article of incorporation otherwise provided.

§ 7. The capital stock of the company subscribed for shall be paid in such way and manner as the incorporators, or, after the organization of the company, the board of directors may direct.

§ 8. The individual property of the stockholders, as well as that of the incorporators, shall not be liable for the debts of the corporation.

§ 9. The said company, through its board of directors, may incur an indebtedness, not exceeding the amount of its subscribed capital stock, and issue therefor its bonds, promissory notes, or bills of exchange, payable at such times and places, and drawing such rate of interest, as its board of directors may direct, and secure the same by a mortgage or mortgages upon the franchises and properties of the company.

§ 10. This act shall take effect from and after its passage.

Approved April 15, 1884.

CHAPTER 714.

AN ACT to incorporate the Limestone, Ore, and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That D. A. Lefingwell, Frank Coles, H. G. Fennacy, and E. B. Wilhoit, of Kentucky, and their associates, successors, and assigns, be, and they are hereby, constituted a body-corporate and politic, under the name, style, and title of the "Limestone, Ore, and Manufacturing Company;" may have perpetual succession, and by that name and style are hereby made capable in law as natural persons to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of law and equity in this Commonwealth; to have a common seal, and possess all the powers incident to corporations for the purposes hereinafter mentioned.

§ 2. The business of said corporation shall be that of mining for limestone, iron ores, and other minerals, and shipping and selling or using the same; mining, shipping, and selling coal; buying and selling of real estate in Carter county; purchasing timber, manufacturing lumber, staves, ties, headings, spokes, and other articles; dealing in merchandise, live stock, produce, and farm products; selling timber, lumber, staves, iron ore, general merchandise; and with power to take mortgages on real estate or collaterals as sureties for any debt due it.

§ 3. The capital stock of said corporation shall be one hundred thousand dollars, in shares of one hundred dollars each; and as soon as two hundred shares of said capital stock is subscribed and paid in, said corporators may hold a meeting, at such time and place as they may deem proper, and proceed to elect a president and three directors, whose duties it shall be to manage and conduct the business affairs

of said company. An election shall be held in like manner annually thereafter, pursuant to ten days' notice printed and posted in three public places in Carter county.

§ 4. Said corporation is authorized to build one or more switch-tracks of railroad out from the Elizabethtown, Lexington, and Big Sandy Railroad track over their own lands as may be necessary for the carrying on the business of said company: *Provided*, Such track shall not connect with the track or enter upon the right of way or lands of said Elizabethtown, Lexington, and Big Sandy Railroad Company without the written consent, under seal, of said company.

§ 5. Said company shall have power to erect and keep in repair a boom across Tygart creek, at or near Limestone, in Carter county, Kentucky, as may be necessary in the conducting of the timber, stave, and lumber business of said company: *Provided*, Said boom shall not be used so as to prevent others desiring to engage in such business from so doing, but only for the protection of the interests of said company.

§ 6. This act shall take effect from its passage.

Approved April 10, 1884.

CHAPTER 715.

AN ACT to amend an act, entitled "An act to incorporate the town of Anchorage, in Jefferson county," approved sixth March, one thousand eight hundred and seventy-eight.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundaries of the town of Anchorage shall be, and are hereby, fixed as follows, to-wit: Beginning on the east side of Evergreen Avenue, where the common line of George Bayless and J. L. Shallcross' lands intersect the same; thence with said common line and the line between the lands of said Shallcross, purchased by him of McMichael and Fosdick, to a point in said line where the westwardly line of what is designated on the map of Anchorage as Forest Avenue would strike, if extended southwardly; thence with said line extended in a northwardly direc-

tion, passing through the lands of Shallcross and Vacaro, and along the eastwardly lines of William Hughes, Patrick Joyes, Robert F. Nock, and through the lands of E. D. Hobbs and John C. Sherley, to a point so as to include the residence and improvements about the same of said Sherley; thence westwardly, and at right-angles to Evergreen Avenue, through the lands of said Sherley and S. J. Hobbs, to the eastwardly side of said Evergreen Avenue; thence with the east line of same southwardly to a point where the line between S. L. Gaar and Porter, if extended eastwardly, would strike; thence with the line of said Gaar and Porter, in a westwardly direction, to Porter's corner; thence with his lines southwardly to a corner of Professor Morrison and the Presbyterian Orphanage lands; thence with a line of said Morrison and the Orphanage, E. D. Hobbs and Wesley Whipps, to a point in the line of Wm. Jarvis and Wm. Terry; thence with said line westwardly to the eastwardly side of the Harrod's creek road; thence with said eastwardly side, in a southwardly direction, to the line between Callaway and Wm. Jarvis; thence with said line in an eastwardly direction to the eastwardly side of Bellewood Avenue; thence with the said avenue northwardly to the line between E. D. Hobbs and Mrs. J. W. Goslee; thence with said line eastwardly to the east side of Evergreen Avenue; thence with the same southwardly to the beginning; and said boundaries shall hereafter form the corporate limits of the town of Anchorage; and said corporation shall have all the rights, powers, and privileges conferred by the act to which this is an amendment.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 10, 1884.

CHAPTER 716.

AN ACT to prevent the sale of spirituous, vinous, or malt liquors within one mile of Free Stone Station, on the Chesapeake and Ohio Railroad, in Rowan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell any spirituous, malt, or vinous liquors within a radius of one mile of Free Stone Station, on the Chesapeake and Ohio Railroad, in the county of Rowan.

§ 2. That any person or persons violating the first section of this act shall, on conviction under a warrant issued by a magistrate, or on conviction under an indictment found by the grand jury of the county, be fined the sum of fifty dollars for each offense, to be collected as other fines for the violation of similar laws of this State.

§ 3. That this act shall take effect from and after its passage.

Approved April 10, 1884.

CHAPTER 717.

AN ACT to regulate advertising in Lawrence county, and compensation for same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all notices of sales of real estate hereafter made by any sheriff, master, or special commissioner, marshal, constable, jailer, coroner, or other officer of Lawrence county, under execution or by virtue of judgments or decrees; all notices of the sittings of the master commissioner for the settlement of estates of deceased persons, and proceedings under the act of one thousand eight hundred and fifty-six, to distribute the estate of insolvent debtors, are hereby required to be inserted in a weekly newspaper, published in and at the county seat of Lawrence county, and the one having a general circulation in said county. All notices of sales of real estate to be inserted two (2) times previous to the day of sale, and all notices of the sittings of the master commissioners shall be inserted as soon as said commis-

sioner fixes the day of his sittings, and continue up to the time the same takes place.

§ 2. Hereafter the sheriff or tax-collector of Lawrence county, and the marshal of the town of Louisa, shall advertise the time and place of sale of land and town lots for State, county, or town taxes in said newspaper published as aforesaid for (2) two weeks, by weekly insertions, prior to the time of sale.

§ 3. That the publisher of said newspaper be allowed seventy-five cents per lineal inch, set solid in brevier type, with one display head line, for the first insertion, and fifty (50) cents per lineal inch for each subsequent insertion for such advertisements as are required by this act, to be taxed and collected as costs in the action or proceedings in the same manner as other costs are now collected, and the same rate for fractional inches, but shall not charge for any blank space.

§ 4. That this act shall apply to Lawrence county only; and all laws or parts of laws in conflict herewith are hereby repealed.

§ 5. That this act shall take effect and be in full force from and after its passage.

Approved April 10, 1884.

CHAPTER 718.

AN ACT to charter the Hodgenville and Muldrough Hill Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and the same is hereby, incorporated, under the name and style of the Hodgenville and Muldrough Hill Turnpike Company, with power to construct a turnpike road from Hodgenville to Muldrough Hill; and by said name shall have perpetual succession, may sue and be sued, contract and be contracted with, plead and be impleaded, and as such is hereby vested with all the powers enjoyed by similar corporations in this Commonwealth.

§ 2. The following persons are appointed commissioners to open books and receive subscriptions to the capital stock of said company, viz: Jett Dawson, N. A. Rapier, George Kirkpatrick, B. J. Hargin, Jacob Hubbard, John Bell, and Thomas Hamilton, any three of whom may act.

§ 3. The capital stock of said company shall be divided into shares of fifty dollars each; and the entire capital stock of said company shall not exceed the amount necessary to construct said road and erection of toll-houses and gates, and other necessary buildings and appliances.

§ 4. When a sufficient amount of stock shall be subscribed to justify the beginning of the work on said road, the commissioners, or such of them as may act, shall, at such time and place as they deem proper, call a meeting of the stockholders, and hold an election for a president and four directors for one year, or until their successors are elected and qualified.

§ 5. The width of said road and the width of that part covered with metal, and the depth of the broken metal, the size thereof, and the grade of said road, as also the elevation, shall be determined by the directors, a majority of whom shall constitute a quorum to transact business.

§ 6. Said directors shall locate said road on the most practicable route for that purpose; may with their engineers, chair-carriers, and other hands, enter upon the lands and highways along said route, and lay off and locate the same; said company may also go upon the lands or inclosures contiguous or near to their road to examine any land, quarries of stone; and if the directors and owner or owners of said land or other necessary material to construct said road or any part thereof, or any bridge or culvert thereon, fail to agree upon the value thereof, the president of said company may, in the name of the company, apply to and obtain from the county court of the county in which the land or material is situated a writ of *ad quod damnum* to assess the damages to the land or value of the material to be used, and after a tender of the amount of damages assessed to the owner, the company may, with every appliance neces-

sary in the construction of said road, enter upon such land and make said road.

§ 7. It shall be the duty of the president and directors to appoint one of their number treasurer, who shall execute bond with approved security, and shall be responsible for all moneys of the company; and he shall keep an accurate account of the receipts and expenditures of said company in a book kept for that purpose, which shall be open to the inspection of any stockholder at any time.

§ 8. In the establishment and erection of gates and collection of tolls, said company shall be governed by chapters one hundred and ten of the General Statutes.

§ 9. This act shall take effect from and after its passage.

Approved April 10, 1884.

CHAPTER 720.

AN ACT to amend the charter of the Stanford and Preachersville Turnpike Road Company, of Lincoln county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in order to enable the Stanford and Preachersville Turnpike Company to build a bridge across Dix river on the line of its road, it is authorized to increase its capital stock, and to incur a debt of not exceeding seven hundred dollars for that purpose.

§ 2. That the Lincoln county court is authorized to subscribe two thousand dollars of such increased capital stock to be paid in two equal annual installments; and for the purpose of raising and paying same, may levy and collect an ad valorem tax on the property assessed for taxation in Lincoln county for the year in which the installments are payable.

§ 3. That until the indebtedness herein authorized to be incurred by the company, the company is authorized to maintain a toll-gate within one mile of each terminus of its road, and to charge and collect tolls at each gate, of

sary in the construction of said road, enter upon such lands and make said road.

§ 7. It shall be the duty of the president and directors to appoint one of their number treasurer, who shall execute bond with approved security, and shall be responsible for all moneys of the company; and he shall keep an accurate account of the receipts and expenditures of said company in a book kept for that purpose, which shall be open to the inspection of any stockholder at any time.

§ 8. In the establishment and erection of gates and collection of tolls, said company shall be governed by chapter one hundred and ten of the General Statutes.

§ 9. This act shall take effect from and after its passage.

Approved April 10, 1884.

CHAPTER 720.

AN ACT to amend the charter of the Stanford and Preachersville Turnpike Road Company, of Lincoln county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in order to enable the Stanford and Preachersville Turnpike Company to build a bridge across Dix river, on the line of its road, it is authorized to increase its capital stock, and to incur a debt of not exceeding seven hundred dollars for that purpose.

§ 2. That the Lincoln county court is authorized to subscribe two thousand dollars of such increased capital stock, to be paid in two equal annual installments; and for the purpose of raising and paying same, may levy and collect an ad valorem tax on the property assessed for taxation in Lincoln county for the year in which the installments are payable.

§ 3. That until the indebtedness herein authorized to be incurred by the company, the company is authorized to maintain a toll-gate within one mile of each terminus of its road, and to charge and collect tolls at each gate, of all

persons traveling over said road and bridge, the rates allowed by the General Statutes to be charged for five miles.

§ 4. This act shall take effect from its passage.

Approved April 10, 1884.

CHAPTER 721.

AN ACT for the benefit of James V. Harbison, of Shelby county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James V. Harbison, son of James V. Harbison, deceased, of Shelby county, be, and is hereby, relieved from all the disabilities of an infant; and he is hereby authorized to transact any and all business, to contract and be contracted with, to sue and be sued, as if he were twenty-one years of age: *Provided*, That the right to vote or hold office is not by this act conferred on him.

§ 2. This act shall be in force and effect from its passage.

Approved April 10, 1884.

CHAPTER 722.

AN ACT to regulate travel on turnpike roads in Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section four of chapter one hundred and ten, General Statutes, be amended; so far as relates to the county of Owen, so as to read as follows: The managers of any road in which the State or county has an interest shall permit the following persons to travel on said road without paying toll, to-wit: 1. Ministers of the gospel when on ministerial duty. 2. Scholars going to or from school. 3. All persons in good faith going to attend or returning from attendance on religious worship, and funeral processions.

§ 2. No officer or director of a turnpike road shall be qualified to sit on a grand jury in said county.

§ 3. This act shall take effect from its passage.

Approved April 10, 1884.

CHAPTER 723.

AN ACT to repeal so much of an act, entitled "An act to prevent the sale or traffic in spirituous, vinous, or malt liquors in the town of Earlington, and to prevent the issual of license in the town, or within two miles thereof, as relates to within two miles thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act to prevent the sale and traffic in spirituous, vinous, or malt liquors in the town of Earlington, and to prohibit the issual of license to sell the same in said town, or within two miles thereof, so far as the same applies to within two miles of the town of Earlington, be, and the same is hereby, repealed.

§ 2. This act to take effect when it shall have received a majority of the qualified voters of those residing within two miles of the corporate limits of the town of Earlington, who may vote at an election to be held on a day and a place within said district, to be fixed by the county judge of Hopkins county, said day not be postponed longer than ninety days after the passage of this act; said judge will appoint two judges and a clerk, who, together with the sheriff of the county, shall constitute the officers of said election; the officers will certify the vote to the clerk of the county court, who will preserve the same as other poll-books are now by law required to be preserved; and said officers of the election to be held under this act shall consist of an equal number of those for and against the sale of liquors in the district, and shall be paid as now provided by law for the compensation of officers holding county elections; and no one shall be entitled to vote at said election unless he shall have been a *bona fide* resident of said district for sixty days next preceding the day of election.

§ 3. This act to take effect from its passage.

Approved April 10, 1884.

CHAPTER 724.

AN ACT to amend, consolidate, and reduce into one all acts and parts of acts in relation to ad valorem tax for Scott county, whether for turnpike roads or other county purposes, and to legalize all levies heretofore made by Scott county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of said county, a majority of the justices thereof being present, may, and is hereby authorized to, impose a tax, of not exceeding ten (10) cents in any one year, on each one hundred dollars of property in said county liable to taxation for revenue purposes; said tax being for the purpose of supplementing the poll-tax levied in the payment of all claims and liabilities legally imposed upon said county by said court, except such as are imposed for turnpike road purposes; and the said tax shall be known and designated as "the ad valorem tax for ordinary county purposes."

§ 2. Said county court may, and is hereby authorized to, impose a tax, of not exceeding twenty-five (25) cents in any one year, on each one hundred dollars of property in said county liable to taxation for revenue purposes; said tax being for the purpose of paying subscriptions made by said court to the capital stock of turnpike road companies; and the said tax shall be known and designated as "The Turnpike Road Tax."

§ 3. That the sheriff of Scott county, or the collector of taxes and his sureties, shall be responsible on his bond for the collection of the taxes herein authorized, in the same manner that he is responsible on his bond for the collection of the county levy; and for any failure to discharge his duty or pay over said taxes, or any part thereof, he and his sureties may be proceeded against by suit or motion as now provided by law against delinquent sheriffs for failure to pay over the county levy, or failure to pay county creditors.

§ 4. That all levies of ad valorem tax heretofore made by order of said court, whether for turnpike road or other

county purposes, be; and the same are hereby, declared legal and valid.

§ 5. This act shall take effect from its passage.

Approved April 10, 1884.

CHAPTER 725.

AN ACT to prevent stock from running at large in Franklinton and Pendleton precincts, in Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of an act, entitled "An act to prevent stock from running at large in New Castle magisterial district, in Henry county," shall apply to and be in full force and effect in Franklinton and Pendleton precincts, in Henry county.

§ 2. This act shall take effect from its passage.

Approved April 10, 1884.

CHAPTER 726.

AN ACT to incorporate the Methodist Episcopal Church, South, known as Davis Chapel, in the town of New Columbus, in Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Evan S. White, John D. White, Andrew J. Beard, Thomas True, and Henry Jones, and their successors in office, and members of the Methodist Episcopal Church, South, known as Davis Chapel, in Owen county, Kentucky, be, and they are hereby, created a body-corporate and politic, by the name and style of "Davis Chapel," and by that name to have perpetual succession; and may hold by purchase, devise, bequest, gift, or deed, any real or personal estate or property, not exceeding ten thousand dollars in value, and the same to hold for the use and benefit of said church, according to the discipline and economy of said church; and may sell, convey, or otherwise dispose of said property; to have and exercise all the powers for and incident to religious corporations, not incon-

istent with the Constitutions and laws of the United States and the State of Kentucky; and by the name aforesaid shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded with, in all the courts of this Commonwealth; to collect, sue for, and recover money which may have heretofore been subscribed for the purchase of real estate or personal property, or for the erection of said church building, or which may hereafter be subscribed for either of said purposes.

§ 2. That the trustees hereby appointed shall continue in office for one year, and until their successors are elected or appointed by the church. Should a vacancy occur in the office of trustee, by resignation or otherwise, it shall be lawful for the members of said church to fill said vacancy by election or appointment at any of their regular meetings.

§ 3. That a majority of said trustees shall constitute a quorum to transact business; they shall appoint from among their number a chairman and secretary, the chairman to preside over their deliberations, and the secretary to keep a fair and complete record of their proceedings, which shall be open at all times to the inspection of the members of the church. All conveyances of property and written contracts shall be signed by the chairman and secretary of said board, and such conveyances shall pass the entire title of the church when such conveyances shall have been so signed and acknowledged by said chairman and secretary, as deeds of conveyance are now required by law to be acknowledged by an unmarried person.

§ 4. The said church property, grounds, and fixtures shall be exempt from taxation, either for State, county, or municipal purposes, so long as the same is used as a place of worship: *Provided*, That not more than five acres of land held by said church corporation shall be exempt from taxation.

§ 5. This act shall take effect and be in force from and after its passage.

Approved April 10, 1884.

CHAPTER 727.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors in the town of Jackson, or within two miles of its corporate limits.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful, after the passage of this act, for distillers or other persons to sell spirituous, vinous, or malt liquors in the town of Jackson, in Breathitt county, or within two miles of its corporate limits, in any quantity less than ten gallons.

§ 2. Any person violating the provisions of this act shall be punished by a fine of sixty dollars, to be recovered by indictment in the Breathitt circuit court.

§ 3. This act shall take effect and be in force from its passage.

Approved April 10, 1884.

CHAPTER 728.

AN ACT to prohibit the selling, giving, or lending of spirituous, vinous, or malt liquors in the Hendron precinct on election days, in Washington county

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell, give, or loan, in any quantity whatever, spirituous, vinous, or malt liquors, or the mixture of either, to any person in Hendron precinct on election day, in Washington county.

§ 2. Any person violating the first section of this act shall be fined for each violation twenty-five dollars, to be recovered in the name of the Commonwealth of Kentucky by warrant before a justice of the peace, or by indictment of a grand jury.

§ 3. All laws and parts of laws, special or general, including those passed at this session, in conflict with this act, are hereby repealed.

§ 4. This act shall take effect and be in force from and after its passage.

Approved April 10, 1884.

CHAPTER 729.

AN ACT to prohibit the sale of spirituous, vinous, and malt liquors within one quarter of a mile of school-house number twenty-six, in Cedar Run precinct, Franklin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to lend, sell, or give to any one, any spirituous, vinous, or malt liquors of any kind, within one quarter of a mile of school-house number twenty-six, in Cedar Run precinct, in Franklin county.

§ 2. Any person violating the provisions of this act shall be liable to a fine of not less than ten nor more than fifty dollars for each offense.

§ 3. *Provided, however,* That before this act shall take effect, the question shall be submitted to the voters of said school district who are qualified to vote for trustees at the next regular election for trustees therein, and a majority of said voters approve said prohibition.

Approved April 10, 1884.

CHAPTER 730.

AN ACT to prohibit the sale, giving, or furnishing of spirituous, vinous, or malt liquors, or any mixture thereof, within a radius of two miles from the village of Sharon Grove, in Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell, give, or furnish any spirituous, vinous, or malt liquors, or any mixture thereof, to another, within a radius of two miles from the village of Sharon Grove, in Todd county, Kentucky, except for sacramental purposes.

§ 2. Any person who shall be guilty of a violation of the first section of this act shall, on conviction, be guilty of a misdemeanor, and fined not less than fifty nor more than one hundred dollars for each offense, to be recovered by warrant before any justice of the peace of said county, or before the judge of the Todd quarterly court, or by indictment of the grand jury.

§ 3. This act shall take effect from its passage.

Approved April 10, 1884..

CHAPTER 735.

AN ACT to prohibit the sale or loaning of spirituous, vinous, or malt liquors in the town of Buffalo, in Larue county, or within two miles thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons to sell or loan any spirituous, vinous, or malt liquors, within the corporate limits of the town of Buffalo, in Larue county, or within two miles thereof: *Provided*, That nothing herein contained shall be construed to prohibit any distillery within said limit to sell as now authorized by law.

§ 2. Any person violating the provisions of this act shall, upon conviction, be fined in any sum of not less than ten nor more than fifty dollars, or imprisoned in the county jail not less than ten nor more than thirty days, or both so fined and imprisoned, in the discretion of the jury.

§ 3. Each selling or loaning shall constitute a separate offense under this act.

§ 4. This act shall take effect from and after its passage.

Approved April 10, 1884.

CHAPTER 736.

AN ACT to incorporate the Ohio River Reclamation and Improvement Company of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wickliffe Chapman, George Gaulbert, T. C. Tracie, William D. Reed, Roy McDonald, Thomas M. Sullivan, and Hendric M. F. V. Stamp, their associates and successors, are hereby created a corporation, with perpetual succession, by the name of "The Ohio River Reclamation and Improvement Company of Kentucky;" and by said name may contract and be contracted with, sue and be sued, acquire, hold, and dispose of property; make rules and by-laws for the government of its officers, agents, and employes, and for the management of its affairs; and by said name are authorized to do whatever may be done

y a natural person, not inconsistent with the Constitution and laws of the State of Kentucky and the Constitution and laws of the United States.

§ 2. Said corporation is hereby authorized to reclaim such lands which lay on the banks or shores of the Ohio river and its tributaries, in the State of Kentucky, and which have been subject to inundation during the rises of the said Ohio river and its tributaries, by filling up said lands above high-water mark, or by constructing dykes, sluices, and other works necessary to protect the submerged lands from future inundations.

§ 3. Said corporation is hereby authorized to acquire and hold, in fee-simple or otherwise, any tract or tracts of land subject to inundation, along the Ohio river and its tributaries in the State of Kentucky, together with tract or tracts of land needed for borrow-pits and stone-quarries, with right of way for the construction of roads and tramways necessary to transport the material needed for the improvement and protection of such tract or tracts of land subject to inundations; and when the owner or claimant of any land necessary to said corporation cannot agree with said corporation as to the price to be paid therefor, then the same may be condemned, under the power of the State to acquire private property for public use on compensation being made therefor; such taking or condemnation to be by writ of *ad quod damnum* sued out from the county court of the county in which the required lands are situated, which court shall have jurisdiction to try same by the intervention of a jury, and from the verdict and judgment of which an appeal shall lie to the Court of Appeals of Kentucky. As far as practicable, the proceedings upon said writ in said court shall conform to the provisions for the writ of *ad quod damnum* in the one hundred and tenth chapter of the General Statutes of Kentucky.

§ 4. The capital stock of said corporation shall be one million dollars, divided into ten thousand shares of one hundred dollars each. When one sixth of said stock is subscribed, the incorporators herein named, or one or more of them, shall call the stockholders together at some suit-

able place in one of the county seats of the State of Kentucky, by notices published at least ten days before said meeting in the Courier-Journal, and one or more of the daily papers published in the county where the meeting is to be held, for the purpose of organizing and electing directors as herein provided. At said meeting, and at all meetings of the stockholders, each share of stock shall entitle the holder to one vote upon all questions to be voted upon by stockholders.

§ 5. Each owner of land required by said corporation after the purchase price having been stipulated for the same, shall have the right to become a stockholder in the said corporation for the amount agreed or stipulated upon, and one-half of the shares of the stock capital shall be held in reserve for the benefit of land-owners, who may desire to join the said corporation.

§ 6. Said corporation shall have power to issue bonds not to exceed three fourths of the assessed value of the estate which the said corporation owns in fee-simple. The bonds issued by said corporation shall bear the legal interest of this Commonwealth, payable semi-annually at the designated depository of the corporation, which must be a bank incorporated by this Commonwealth, or under the national bank act of the Congress of the United States.

§ 7. Said corporation shall establish a sinking fund for the redemption of the said bonds at maturity, which shall be under the control and management of a board of trustees, one of which shall be selected by the Governor, one by each county in which the corporation owns real estate, and one by the said corporation. The trustees shall give a good and sufficient bond to the corporation for the safe-keeping of the moneys paid into the sinking fund, and shall report annually to the stockholders in general meeting assembled.

§ 8. The affairs of said corporation shall be managed and conducted by five directors, three of whom shall constitute a quorum for the transaction of business. Said directors shall be annually elected by the stockholders, and each of them shall be a stockholder. After the first election, under

the call of the incorporators, the directors shall be elected by the stockholders at their annual meeting, to begin on the first Tuesday in May of each year, and the directors so elected shall hold office for one year, and until their successors are chosen.

§ 9. The officers of said corporation shall be a president, vice-president, secretary, treasurer, and engineer, the duties and responsibilities of each of whom shall be prescribed and regulated by by-laws.

§ 10. This act shall take effect from and after its passage.

Approved April 10, 1884.

CHAPTER 737.

AN ACT to amend an act, entitled "An act to incorporate the Versailles and Mt. Vernon Turnpike Road Company," approved March fifteen, one thousand eight hundred and sixty-nine.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the Versailles and Mt. Vernon Turnpike Road Company," approved March fifteen, one thousand eight hundred and sixty-nine, be, and the same is hereby, amended so as to allow said turnpike road company to construct a turnpike or macadamized road from a point on the present line of their road, near the residence of Mrs. Susan M. Williams, in Woodford county, to a point on the Versailles and Midway Turnpike Road, at or near the farm of Robert McConnell, in said county, and on the line of the county road as now established between said two points, and to collect tolls from persons traveling over said road for the distance traveled as now allowed by law.

§ 2. This act shall take effect from and after its passage.

Approved April 10, 1884.

CHAPTER 738.

AN ACT to amend an act to incorporate the North Middletown Cemetery Company in Bourbon county, approved April ninth one thousand eight hundred and eighty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the North Middletown Cemetery Company, in Bourbon county," approved April nine, one thousand eight hundred and eighty, be, and the same is, amended as follows, to-wit: That after the words "for public roads or other public uses," in the first section of said act, the words "and those persons now owning said burial lots shall, in that event, become stockholders under this charter to the amount of the cost of said lots," be, and the same are hereby, stricken out.

§ 2. That after the words "majority of the above named persons," in the second section of said act, the words, "or of the survivors of them," be, and the same are hereby, stricken out. That wherever the words "ten dollars" occur in said section the same are hereby stricken out, and the words "twenty-five dollars" be, and the same are hereby, inserted in lieu thereof. That wherever the words "five votes" occur in said section, the same are hereby stricken out, and the words "two votes" inserted in lieu thereof.

§ 3. That this act shall take effect and be in force from and after its passage.

Approved April 10, 1884.

CHAPTER 739.

AN ACT to prohibit the sale, loaning, or giving away of any spirituous, vinous, or malt liquors in the town of Glenville, or within three miles thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall hereafter be unlawful for any person or persons to sell, loan, or give away any spirituous, vinous, or malt liquors, or any mixture of either, in the town of Glenville, Adair county, or within three miles thereof, in any quantity less than twenty gallons at any one time.

§ 2. It shall be unlawful for any druggist to sell, loan, or give away any spirituous, vinous, or malt liquors, or any mixture of either, in the boundary above named, except upon a written prescription of a regular practicing physician, stating the disease for which said prescription is given, and the quantity needed, which in no case shall exceed a half pint at any one time. No prescription shall be good but for one time; said prescriptions shall be dated and kept on file for inspection.

§ 3. Any person violating any of the provisions of this act shall, upon conviction, be fined in the sum of fifty dollars for each offense, to be recovered by indictment of the grand jury, or by warrant of any court having jurisdiction thereof.

§ 4. This act shall take effect from and after its passage.

Approved April 10, 1884.

CHAPTER 740.

AN ACT to regulate the sale of intoxicating liquors in Bullettsville voting precinct, in Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell, lend, give, or furnish to any other person, spirituous, vinous, or malt liquors, hard cider, or any intoxicating drink, within three miles of the Christian Church in Bullettsville precinct, in Boone county: *Provided, however,* That this act shall not apply to the parts of other precincts included, within three miles of said church.

§ 2. Any person guilty of a violation of the provisions of the first section of this act shall be fined sixty dollars for each offense, upon conviction, upon indictment of a grand jury of Boone county, or upon a warrant issued by and tried before any magistrate in said precinct.

§ 3. It shall be the duty of the officers of the election in Bullettsville voting precinct, at the regular August election, to open a poll, and to ask each person entitled to vote and

voting, whether he votes for or against the sale of spirituous, vinous, or malt liquors, hard cider, or any intoxicating drink, within the territory described in section one of this act, and to record his vote as given.

§ 4. That said poll-book shall be returned to the county clerk as the regular election poll-books are returned, and the county examining board of elections shall compare said poll as and at the same time with the regular election poll-book, and shall immediately certify the result of said election to the county court of Boone county, if against the sale of such liquors, and the said certificate shall be immediately filed and entered of record in said court, and thereupon the penalties herein provided for a violation of this act may be enforced.

§ 5. This act shall be in force from and after its passage.

Approved April 10, 1884.

CHAPTER 741.

AN ACT for the benefit of the Menalaus and Silver Creek Turnpike Road Company, in Madison county.

WHEREAS, The Menalaus and Silver Creek Turnpike Road Company, in Madison county, has under its charter built a turnpike road in Madison county, more than four miles in length, and has erected across Silver creek an iron suspension bridge at great expense, and only has upon said road two toll-gates, at each of which half toll is charged and collected; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said Menalaus and Silver Creek Turnpike Road Company is hereby authorized and empowered to erect another toll-gate upon said road, at some point on said road where the traveling public passing on this bridge will be compelled to pass through said gate, at which gate said company is authorized to collect half toll, so that upon said road there will be three half toll gates instead of two, as now is.

§ 2. This act shall take effect from and after its passage.

Approved April 10, 1884.

CHAPTER 742.

AN ACT to authorize the city of Newport to re fund its funded debt.

WHEREAS, The funded debt of the city of Newport, bearing a rate of interest exceeding five per centum per annum, consist of fifteen thousand dollars of bonds, date April first, one thousand eight hundred and seventy-four, bearing eight per cent. interest, payable twenty years after date ; twenty-eight thousand five hundred dollars of bonds, dated May first, one thousand eight hundred and fifty-eight, bearing ten per cent. interest. payable thirty years after date ; thirty thousand dollars of bonds, dated August first, one thousand eight hundred and seventy, bearing eight per cent. interest, payable thirty years after date ; thirty thousand dollars of bonds, dated December twenty-third, one thousand eight hundred and seventy, bearing eight per cent. interest, payable thirty years after date ; three hundred thousand dollars of bonds, dated May first, one thousand eight hundred and seventy-one, bearing seven and three-tenths per cent. interest, payable thirty years after date ; two hundred thousand dollars of bonds, dated May first, one thousand eight hundred and seventy-two, bearing seven and three-tenths per cent. interest. payable thirty years after date ; two hundred thousand dollars of bonds, dated May first, one thousand eight hundred and seventy-three, bearing seven and three-tenths per cent. interest, payable thirty years after date ; one hundred thousand dollars of bonds, dated May first, one thousand eight hundred and seventy-four, bearing seven and three-tenths per cent. interest, payable twenty years after date, and eighty-eight thousand dollars of bonds, dated July first, one thousand eight hundred and eighty, bearing six per cent. interest, payable twenty years after date ; and whereas, it is advisable that this debt be re-funded at a lower rate of interest ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That for the purpose mentioned in the preamble, the city of Newport is hereby authorized to issue one million dollars of bonds, in denominations of not more than one thousand dollars each, dated July first, one thousand eight

hundred and eighty-four, said bonds to bear a rate of interest not exceeding five per cent. per annum, payable semi-annually, represented by coupons attached to the bonds; said bonds to be payable forty years after date, and at the option of the city of Newport twenty years after date, and to be payable, together with the interest coupons, at the office of the treasurer of the city of Newport; said bonds will be numbered consecutively from one upwards, and be signed by the mayor and clerk of the city of Newport. The holder of the bonds shall have a lien upon all the property of the city of Newport to secure the payment of said bonds. Said bonds shall be exempt from taxation for municipal purposes.

§ 2. Said bonds shall only be issued in sums of ten thousand dollars; and when ten thousand dollars of them shall have been issued, no more shall be issued until ten thousand dollars (fair value) of the bonds mentioned in the preamble shall have been redeemed and destroyed. The bonds authorized to be issued by this act shall not be sold for less than face value.

§ 3. The proceeds of the sales of the bonds authorized by this act, as sold, shall be paid to the board of sinking fund trustees, who are hereby authorized, with said fund and such other funds as may come to their hands, to buy in the open market such of the bonds mentioned in the preamble as they may be able to do; but they shall not pay a premium upon said bonds exceeding twenty per cent., exclusive of the accrued interest.

§ 4. Nothing in this act shall be construed as repealing or changing the charter of the city of Newport as to the creation of a sinking fund for the redemption of bonds.

§ 5. This act shall take effect from and after its passage.

Approved April 15, 1884.

CHAPTER 743.

AN ACT to amend an act, entitled "An act for the benefit of the German-American School Association of Owensboro," approved March eleventh, one thousand eight hundred and seventy-six.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of section one of an act, entitled "An act for the benefit of the German-American School Association of Owensboro," and approved March eleventh, one thousand eight hundred and seventy-six, as requires said association to loan its funds to the deposit bank or other banks of said city, be, and the same is hereby, repealed. Said association is hereby empowered and authorized to loan its funds where the payment is secured by mortgages on real estate in Daviess county, or it may invest same in the bonds of the city of Owensboro, or in the bonds of the United States, or invest the same in the stock of any of the banks of the city of Owensboro; it may invest the whole or any part of the funds of said association as aforesaid as a majority of the trustees of said association may determine. And said association may make contracts, and prosecute and defend actions whenever necessary in executing or protecting the powers or rights of said association.

§ 2. That George Smith; one of the trustees of said association, is hereby removed.

§ 3. That in the event of the death, removal from the city of Owensboro, or resignation of any of the board of trustees, the remainder may elect a successor. The present trustees, Charles Werner, B. Baer, Adolph Helmke, and Frank W. Brooks are hereby authorized and empowered to elect a trustee instead of said Smith, removed, and another instead of M. Smithimer, now deceased.

§ 4. That said association may employ all such agents and servants as may be necessary in conducting its business.

§ 5. That this act shall take effect from its passage.

Approved April 15, 1884.

LAWS OF KENTUCKY.

CHAPTER 744.

AN ACT to amend the charter of the city of Clinton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the city of Clinton be, and is hereby, so amended as to authorize the city council to annually levy upon the owner or keeper of any dog in said city a tax of two dollars and fifty cents for each male dog owned or kept in said city, instead of ten dollars and fifty cents, as prescribed in said charter.

§ 2. All acts or parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved April 15, 1884.

CHAPTER 745.

AN ACT for the benefit of Wm. J. Hall, of Floyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That William J. Hall, the present assessor of Floyd county, be, and he is hereby, allowed until the first day of June, one thousand eight hundred and eighty-four, to complete his assessments for the year one thousand eight hundred and eighty-four, and to make off and report his books for said year to the clerk of the county court of said county.

§ 2. That the clerk of the county court of said county have until the first day of July, one thousand eight hundred and eighty-four, to make out and report the assessor's book of said county to the Auditor of State, and also to make and furnish the sheriff of said county the tax-book for the year one thousand eight hundred and eighty-four.

§ 3. This act to take effect from and after its passage.

Approved April 15, 1884.

CHAPTER 746.

AN ACT to authorize the city of Owensboro to subscribe stock to, and issue bonds in payment of stock in, the Western Cotton Mills.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it may be lawful at any time for the mayor and council of the city of Owensboro, after (15) fifteen days' notice, published in a newspaper having general circulation in said city, to submit to the qualified voters thereof the proposition to subscribe stock to, and issue bonds in payment of stock in the Western Cotton Mills, in any sum not exceeding (\$50,000) fifty thousand dollars; said bonds of said city to be payable in not exceeding twenty (20) years from the date thereof, and bearing interest at a rate not exceeding (6) six per cent. per annum; and if a majority of the legal voters of said city be in favor of such proposition, then it may be lawful for the mayor and council of said city to subscribe for said stock in said mills, and to issue said bonds to meet the calls made for the payment of said stock: *Provided*, That for every dollar of stock so subscribed for, and for each dollar of the calls so made in payment of said stock, there shall only be issued an equivalent amount in bonds; said bonds to be disposed of at not less than their face or par value; the vote provided for in this section to be held in the same way, and under the same regulations, as now provided by law for the election of city officers.

§ 2. The mayor and council shall have power to sell the stock subscribed for in the Western Cotton Mills at any time: *Provided*, That said stock shall not be sold within (5) five years from the date of the subscription for less than its par or face value.

§ 3. That said mayor and council shall make provision for the payment of the interest on said bonds as the same falls due, and provide a sinking fund to pay off and liquidate said bonds at maturity.

§ 4. This act shall take effect from its passage.

Approved April 15, 1884.

CHAPTER 747.

AN ACT for the benefit of the Lost Fork and Otter Creek Turnpike Road Company, in Madison county.

WHEREAS, The Lost Fork and Otter Creek Turnpike Road Company was duly incorporated by an act of the General Assembly of the Commonwealth of Kentucky, approved March sixteen, one thousand eight hundred and sixty-nine; and whereas, under that act of incorporation said company organized and built the road for which the charter was obtained, and the same has been in use from the time it was so built up to the present; but the said company has failed to keep up its organization as provided by that charter, and no toll-gate has ever been erected on said road; and whereas, it has now become necessary to have one to keep up said road; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. H. Harlin, William Parish, Berry T. Gentry, C. M. Taylor, and John Parish, be, and they are, directors of said turnpike road company, who shall hold their offices until their successors are elected according to the provisions of the charter of said company.

§ 2. That said directors should, during the term of office, have all the power and authority they would have had if said company had been regularly elected, and been in existence from the time of its first organization.

§ 3. Said directors may erect and maintain a toll-gate upon said road, at which they may charge and collect toll as provided for in the original charter of said Lost Fork and Otter Creek Turnpike Road Company.

§ 4. This act shall take effect and be in full force from and after its passage.

Approved April 15, 1884.

CHAPTER 748.

AN ACT to incorporate Maple Grove Turnpike Road Company, in Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Twyman Million, Thomas Million, Thomas Samuels, Talton E. Newby, and Henly Haden, and their successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the Maple Grove Turnpike Road Company; and by said name and style shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places in this Commonwealth; to have and use a common seal, and alter or change the same at pleasure; and do all acts which such bodies-corporate may do, not inconsistent with the general laws of the State or forbidden thereby, and which may be necessary or fit to enable said corporation to execute the powers hereinafter granted.

§ 2. That said corporation is hereby authorized to construct a turnpike or macadamized road, from a point on Tate's Creek Turnpike Road, near Fain's store, in the direction of Bogil's mill, by way of Maple Grove, on the ridge road, for a distance of three miles, in Madison county, upon the most practical route, as may be determined on by the board of directors after their election and organization.

§ 3. *Be it further enacted,* That the capital stock of said company shall be five thousand five hundred dollars, and shall be divided into shares of fifty dollars each; but the capital stock may be increased or diminished by order of the president and board of directors at any time before the stock is taken.

§ 4. *Be it further enacted,* That any three of the corporators may open books for said company, for the purpose of receiving subscription of stock in said company; and as soon as one thousand dollars of stock is subscribed for, the stockholders may proceed to organize by electing from among the stockholders a president and four directors; but the time and place of holding said election shall be advertised at least ten days by written notices posted up in three pub-

lic places on the road. Said officers, when elected, shall hold their offices for one year, and until their successors shall be duly elected and qualified. An election shall be held annually of officers of said company, at such time and place as may be fixed by the board of directors, at which elections the stockholders, and none others, shall be allowed to vote, and each stockholder shall be allowed in all elections to cast, either in person or by proxy, one vote for each share of stock that he has and owns in said company.

§ 5. That the president of the board shall have power to appoint a treasurer of said company, and may remove him at pleasure, and shall require of him a bond, with good security, conditioned for the faithful discharge of all his duties.

§ 6. *Be it further enacted*, That after said company shall have completed their road, they may erect across the same, at such place as they may see proper, one toll-gate, at which they may charge such tolls as they may determine upon, not, however, to exceed the sums specified in the General Statutes, chapter one hundred and ten.

§ 7. That the width of said road shall be thirty feet ; that the width of gravel or rocks on said road, commonly called macadamizing, shall not be less than fourteen feet in any part ; that the width of grade on said road shall be not less than sixteen feet, and the road, in all other respects, shall be built according to the provisions of the laws of this Commonwealth, with a grade not exceeding five degrees, except at the hill, near Tate's creek.

§ 8. That in order to effect the building of said road, the president and directors shall have the right to procure the release of the right of way from any person or persons over whose land said road may run ; and should any person or persons over whose land said road may run fail or refuse to release the right of way, they may institute the proper proceedings in the proper court, in the county of Madison, in which the land lies, and have the same condemned as now provided by law. The company may, by proper proceedings, condemn any land or material necessary to fully carry out the intention of this act, either in the construction or repair of said road.

§ 9. That said company shall have power to make or alter at pleasure by-laws or rules for its government, not contrary to the general laws.

§ 10. That this act shall take effect from and after its passage.

Approved April 15, 1884.

CHAPTER 749.

AN ACT authorizing the sale of the Alexandria and Flagg Springs Turnpike Road, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Alexandria and Flagg Springs Turnpike Road Company, in Campbell county, having first the consent of its bond-holders, and of the owners of two thirds of the paid-up stock in said company, entered of record on its books, may sell at public sale, on a credit of not less than three months, to the highest and best bidder, the whole of its road, from its terminus in Alexandria to its terminus at the Pendleton county line, or said company may sell said road in three parts: that between the junction of said road with the Alexandria and Persimmon Grove Turnpike Road, in Alexandria, and its junction with the Four and Twelve Turnpike Road, near the mouth of Brush creek; that part between the last mentioned point, and a point on said Alexandria and Flagg Springs Road, opposite Stevens' branch, where it enters into Twelve Mile creek, and that part between said point last mentioned and the terminus of said road at the Pendleton county line. Before said sale notice must be given of the time, place, and terms of sale, for at least one month, by weekly insertions in the county paper, and by printed bills, posted on the court-house door in Newport and Alexandria, and at ten other public places in the county. The purchaser or purchasers shall give bond, with approved security, for the payment of the purchase money to said company, or to its treasurer, as the company may direct. Upon the approval of the purchase bond or bonds by the board of directors, the purchaser or

purchasers shall be entitled to a transfer of said road, or such part as may have been bought, together with the franchise, privileges, and appurtenances thereunto belonging. And said company, by its board of directors, shall, by written transfer and assignment entered on the books of said company, make such transfer, and file a copy thereof in the clerk's office at Alexandria, which copies shall be recorded on the books in said office. In making said sale the company may reserve the right to reject any and all bids; but if sold, it must be struck off the highest and best bidder. The purchaser or purchasers may organize into a company or companies, or the sale shall be of the whole or part; adopt articles of incorporation and a corporate name, by which such corporation may sue and be sued, contract and be contracted with, have and use a common seal, and upon such incorporation shall become a body-politic, possessing all the corporate rights, powers, and privileges, with rights of succession, with franchise thereof to the same extent as held by said company under its charter and amendments thereto. The said purchaser or purchasers, upon the completion of said road, or on the completion of any of the parts specified herein, shall have the rights and privileges, and be subject to the liabilities as provided in chapter one hundred and ten, by the General Statutes of Kentucky. The sale herein authorized must be made within two years next succeeding the passage of this act. And the purchaser or purchasers, if required by said company, shall give bond and security, stipulating, to complete the road, or part purchased, within two years after the purchase. The proceeds of sale of said road shall be appropriated, first, to pay expenses of sale, including officers' fees, next any liens existing at the time of the passage of this act; third, the bonds of said company; and lastly, to stockholders; and as to each in its order, if not enough to pay in full, then payment shall be made pro rata.

§ 2. This act shall take effect from its passage.

Approved April 15 1884.

CHAPTER 750.

AN ACT to incorporate the Poplar Flat, Indian Run, and Salt Lick Turnpike Road Company, in Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company is hereby created and formed by the name and style of the Poplar Flat, Indian Run, and Salt Lick Turnpike Road Company, and that George W. Herin, Alexander Harrison, Horace Applegate, William K. Hampton, Thompson Henerson, and A. I. Hendrickson, and their successors in office, be, and they are hereby, appointed and created a body corporate and politic, under the name and style aforesaid, for the purpose of building a turnpike road from a point on the Concord and Tollsboro Turnpike Road, near the residence of George W. Pollitt, on Indian Run, and running from there up said Indian Run, the best and most practicable route to intersect the Vanceburg, Salt Lick, Tollsboro, and Maysville Turnpike Road, at a point near George W. Herin's blacksmith shop, in Lewis county. The capital stock of said company shall be ten thousand dollars, and each share of stock shall be twenty-five dollars. Said company shall have power to sue and be sued, contract and be contracted with, hold, enjoy, possess, convey, and dispose of real and personal estate not exceeding ten thousand dollars; and to do all and every act whatever within the object and scope of their incorporation which a body corporate and politic may lawfully do.

§ 2. The officers of said company shall consist of a president, five directors, any three of whom may transact business, and a treasurer, who may also perform the duties of secretary; and the persons named in the first section of this act as incorporators shall, as soon as they meet and organize, elect one of their number as president, and one as treasurer and secretary, who shall so act until their successors are duly elected and qualified. The president, directors, treasurer, and secretary shall be chosen annually by the stockholders in such manner and at such time as said company may provide for in its by-laws, and who shall hold and perform the duties of their respective offices until their successors are duly elected and qualified.

§ 3. The said company may, by proper proceedings, as in cases of public roads or turnpikes under the General Statutes, cause to be condemned for the use of said turnpike road the right of way, sites for toll-gates, residence for the keepers, and for such other purposes as said company may need any land for the use of said road. They may also in like manner condemn stone-quarries, gravel beds, and all necessary and proper materials to build and keep said turnpike road in repair, and all necessary bridges on the same. They may use any part of the public road that they may find necessary for their road-bed, but shall make proper provision for public travel over the same during the construction of their road, wherever the same may conflict, and when said road is finished a distance of one mile, the company may erect a toll-gate, and charge one-fifth toll, being governed by the rates given in the General Statutes of Kentucky.

§ 4. That the persons named in the first section of this act as incorporators are hereby appointed commissioners to receive subscription of stock to said turnpike road company, any two of whom may act, who may meet at such places and times as they may deem proper, for the purpose of taking subscriptions to said turnpike road company, who shall also procure any and all books that may be needed by the company for the purpose of keeping their records. And the subscribers of stock shall sign an obligation in substance as follows: "We, whose names are hereunto subscribed, do promise and bind ourselves to pay to the Poplar Flat, Indian Run, and Salt Lick Turnpike Road Company the sum of twenty-five dollars for each share set opposite our respective names, in such proportions and at such times as shall be determined by the president and directors of said company."

§ 5. That as soon as eighteen hundred dollars shall be subscribed in stock to said company, it shall be the duty of said company to give notice to those persons who have subscribed stock to said company on their books of a meeting at some suitable point along and near the route of said road, for the purpose of choosing the officers of said company.

Each stockholder shall be entitled to one vote for each share of stock owned by him.

§ 6. That so soon as the officers are elected and qualified and the company organized, said company shall possess all the authority, power, rights, and privileges, and may do all acts necessary to enable the said company to build their road. They may erect gates, collect toll, and employ all necessary surveyors, engineers, and agents for the building and successful occupation, use, and operating of said road, and for keeping the same in repair.

§ 7. That the president and directors shall fix and regulate the grade and elevation of the road, the width or part thereof to be graded and elevated, and the width to be covered with stone or gravel: *Provided*, The width of said road shall not exceed forty feet, and the part covered with stone or gravel shall not be less than twelve feet wide and ten inches deep, and the part graded not less than twenty feet wide.

§ 8. That on demand of any stockholder who has paid all the stock subscribed by him, the president and directors shall deliver to him a certificate, signed by the president and countersigned by the secretary, for the shares by him held, which certificate shall be transferable on the books of the company; but no certificate shall be issued nor transference made until all calls or arrearages thereon are paid.

§ 9. That the president of the company may call meetings of the board of officers at such times and places as may be deemed proper for the transaction of business; and a record of their proceeding shall be entered in a book kept for that purpose, signed by the president and countersigned by the secretary.

§ 10. The president and directors may call on the subscribers of stock for any portion of their stock subscribed, not exceeding one fourth of the total amount at a time, nor on shorter periods than three months after the first call; the first call may be made and the payment enforced at any time after said board is organized.

§ 11. That in order to enable said company to build their road as speedily as possible, and equalize the burthen there-

of, there is hereby levied on all property, real and personal, subject to taxation for State revenue purposes, lying and being within one and one-half miles of said road, the sum of fifty cents upon each one hundred dollars' worth of taxable property as aforesaid each year, commencing with the year one thousand eight hundred and eighty-four, and continuing until said road is built and paid for; which tax as aforesaid shall be assessed and collected as hereinafter provided, and shall be expended in payment for the building of said road as collected each year.

§ 12. That said company is authorized and empowered to appoint an assessor to assess the property subject to taxation as aforesaid for the building of said road. The assessment shall be returned to a regular term of the Lewis county court in each year, which shall be subject to revision and correction by the court; and said county court shall cause the same to be listed with the sheriff of the county for collection; and said sheriff shall receive and collect said taxes and pay the same over to the treasurer of the company on or before the first day of December in each year; and for any default of said sheriff, he and his securities on his official bond shall be liable to a suit or suits for the recovery thereof; said suits shall be brought in the name of the president and directors of the Poplar Flat, Indian Run, and Salt Lick Turnpike Road Company, for the use of said company, in the Lewis county court; and the judgment shall be for the amount of taxes collected by said sheriff, and for any which he might have collected by due diligence, with the same interest, cost, and damages now allowed by law against sheriffs for failures to collect and pay over the county levy and revenue.

§ 13. That all persons who pay taxes under this act for the building of the road shall be stockholders in said company for the amount of taxes they may thus pay, and proper certificates thereof shall be given to them therefor when they shall have paid an amount equal to twenty-five dollars, and so on until the road is completed and paid for.

§ 14. That it shall be the privilege of each person who may have subscribed stock to said company to work out

the value of his stock on said road, under the direction of the president and directors of said company, at the estimated or customary price of labor; but said labor must be performed when the said president and directors may require the same.

§ 15. That persons who shall subscribe stock to said company, and shall have paid the same, either in money or work, as aforesaid, shall not be compelled to pay the special taxes levied by section eleven of this act until the entire amount of taxes assessed against them respectively shall equal the amount which they may have subscribed and paid in stock as aforesaid. These subscriptions shall be considered and treated as taxes paid in advance, and all the tax-payers being stockholders to the amount of taxes so paid by them towards the building of said road; the intention being to equalize all persons along the route of the road subject to the payment of taxes thereon; and the taxes against persons who may have subscribed and paid their stock as aforesaid shall be canceled, and not listed for collection until equalized as aforesaid.

§ 16. That whenever the resources of said company are such that, with the aid of the county subscription of one thousand dollars per mile, as authorized by acts heretofore passed, it will be enabled to build its road one mile or more; and when the same shall have been actually laid out and located by a competent engineer, and the right of way secured, and proof thereof satisfactorily made known to the county court of Lewis county, said court shall be authorized and required to make the subscription of one thousand dollars per mile, and so on for each and every mile until the entire road is completed.

§ 17. That the stock of Lewis county shall be represented and voted, at any and all elections of officers of said company, by the judge of the Lewis county court. That, to pay the subscription made by the judge of the county court to the capital stock of said company of one thousand dollars per mile, said county judge is hereby authorized and required to issue the bonds of Lewis county, payable at not longer

date than ten years, to bear interest at six per cent. per annum, which bonds and the interest thereon to be made payable at such place or places as the county judge may direct. Said bonds shall be delivered to the president of the company, who shall execute a receipt for the same in the name of the company; and upon the delivery of said bonds to said president, the county of Lewis shall become a stockholder in said company to the amount of one thousand dollars per mile. The officers of said company shall execute a bond in the Lewis county court, upon the delivery of the county bonds to the president of the company, for the faithful expenditure of said bonds to the legitimate construction of said road, as provided for by an act of the General Assembly of the Commonwealth of Kentucky, approved April the ninth, one thousand eight hundred and seventy-three.

§ 18. The compensation of the president and directors shall be fixed by the company in their by-laws, and shall not exceed two dollars per day for the president and one dollar per day for the directors, for each day's services actually performed by them respectively.

§ 19. The company shall have the power and right to pass by-laws prohibiting dead-locking on their road, trespasses or injuries done to the same, and the evading of the payment of tolls for travel done thereon, and to recover damages or fines therefor, by proper proceedings, in the name of the president and directors of the company, before any justice of the peace of Lewis county.

§ 20. That all acts and parts of acts in conflict with this act are hereby repealed.

§ 21. This act shall be in force from and after its passage.

Approved April 15, 1884.

CHAPTER 751.

AN ACT to incorporate the Old New Hope and Loretto Turnpike Road Company, in Nelson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and is hereby, incorporated,

under the name and style of the Old New Hope and Loretto Turnpike Road Company; and by said name and style shall have perpetual succession; and may sue and be sued, plead and be impleaded; and as such is hereby vested with all the powers and rights enjoyed by similar corporations of this Commonwealth.

§ 2. The following persons are appointed commissioners to receive subscriptions of stock to said company: Miles Tagan, Thomas W. Price, G. W. Masterson, sr., Green B. Masterson, and J. W. Dant; and said persons are authorized to open books and receive subscriptions at any time or place they may deem proper.

§ 3. The capital stock of said company shall be divided into shares of twenty-five dollars each, and the entire capital stock shall not exceed the amount necessary to construct said road and toll-houses, at which toll may be collected at the rates now allowed by general law.

§ 4. When a sufficient amount of stock shall be subscribed to justify the beginning of said road, the commissioners, or such of them as may act, shall, at such time and place as they may deem proper, call a meeting of the stockholders, and hold an election for a president and five directors for one year, or until their successors are elected and qualified.

§ 5. It shall be the duty of the president and directors to appoint a treasurer, who shall be responsible for all moneys of the company that may come to his hands, subject to the order of the president; and he shall keep an account of the receipts and expenditures of said company in a book kept for that purpose, which shall be open to the inspection of any stockholder in said company.

§ 6. The road shall commence at a point on the Rolling Fork, New Hope, and Gethsemane Turnpike Road Company, near Old New Hope, in Nelson county, and run the most practicable route to Loretto Station, in Marion county.

§ 7. That in case the proprietors or owners of any land over which said road runs refuse to grant the right of way, or they are infants or absent or non-residents, said company may, upon application, after said parties have been

summoned as provided for in the Civil Code of Practice, obtain from the county court of the county in which the land lies a writ of *ad quod damnum*, to be issued and executed as such writs are now issued and executed by law in condemning roads and passways, and the same proceedings shall be had, except the damages shall be paid by the company.

§ 8. The grade and width of said road shall be determined by the president and directors, the macadamized part not less than twelve feet wide; and the directors shall have power and authority to pass all necessary by-laws and regulations necessary to carry this act into effect.

§ 9. This act shall take effect from and after its passage.

Approved April 15, 1884.

CHAPTER 752.

AN ACT to amend the charter of the Twelve Mile Turnpike Road Company, in Campbell county.

WHEREAS, By the great flood in the Ohio river in February, one thousand eight hundred and eighty-four, the bridge on the Twelve Mile Turnpike Road, over Four Mile creek, in Campbell county, was swept away; and whereas, all the stock authorized by the charter of said company has been issued, and said road has no means with which to replace and rebuild said bridge; and whereas, a large sum of money will be necessary for said purpose, as said bridge is a single span, one hundred and seventy-nine feet in length; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the capital stock of the Twelve Mile Turnpike Road Company, in Campbell county, be increased from forty to fifty thousand dollars; and that said company is authorized to sell and issue said additional stock in the sum of ten thousand dollars, or so much thereof as may be necessary to rebuild the said bridge over Four Mile creek on the line of its road.

§ 2. This act shall be in force from and after its passage.

Approved April 15, 1884.

CHAPTER 753.

AN ACT to incorporate the Green River Telephone Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That G. B. Murray, A. P. Simpson, James Garnett, J. O. Russell, H. C. Baker, M. H. Rhorer, and J. R. Hindman, their associates and successors, are hereby created a body-corporate, with power to sue and be sued, to plead and be impleaded, to contract and be contracted with, under the name and style of the Green River Telephone Company; and by that name shall have perpetual succession, with power to adopt and use a common seal, and to change the same at pleasure, and to have all the rights of a natural person; and to have the privilege of erecting, equipping, maintaining, and operating a telephone line between Campbellsville, Taylor county, to Columbia, Adair county, and such branch lines to and from said points to other points in said counties or adjoining counties as the company may deem necessary for telephonic purposes.

§ 2. Said company may acquire the rights of way for their main or branch lines in the same manner as now provided by law of this Commonwealth for the rights of way by turnpike road companies, and may contract with any turnpike road company for rights of way along their line of road, and may contract with any person or corporation for supplying them with telephonic facilities or the use of telephone instruments.

§ 3. The capital stock of said company shall not exceed five thousand dollars, to be divided into shares of fifty dollars each; and said company may commence business and the construction of this telephone line or lines when ten shares of its capital stock shall have been *bona fide* taken and subscribed for; and any two of the corporators herein named may act as commissioners to open books, receive subscriptions for the purposes aforesaid.

§ 4. The business of said company shall be managed by a board of three directors, to be chosen on the organization of the company under this charter, and annually thereafter on the first Saturday in May of each year, at such place as

the directors may determine, notice to be given in such manner as the directors may deem proper. The board of directors shall choose one of their number president, whose duties shall be those incident to said office, or provided by said board; and the board of directors shall have power to appoint a secretary and treasurer, and such other officers or agents as may be deemed necessary for the interest of the company, and may pay them such compensation as they may think reasonable.

§ 5. Said company may acquire and hold all property, real or personal, necessary to enable it to carry out the provisions of this act, or the business contemplated; and by its board of directors said company may make all by-laws, rules and regulations, to carry out its affairs, not inconsistent with the Constitution and laws of this State or of the United States.

§ 6. The individual property of stockholders shall be exempt from all debts and liabilities of the corporation.

§ 7. This act shall take effect from and after its passage.

Approved April 15, 1884.

CHAPTER 754.

AN ACT to incorporate the New Haven and New Hope Turnpike Road Company, in Nelson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and is hereby, incorporated, under the name and style of the New Haven and New Hope Turnpike Road Company; and by said name and style shall have perpetual succession, and may sue and be sued, plead and be impleaded, and as such is hereby vested with all the powers and rights enjoyed by similar corporations in this Commonwealth.

§ 2. The following named persons are appointed commissioners to receive subscriptions of stock to said company: John Dawson, T. J. Pottinger, sr., Hardin L. Pottinger, Dr. Hugh D. Rodman, Miles Hagan, R. M. Ford, and J. R. Redman, and said persons are authorized to open books

and receive subscriptions at any time or place they may deem proper.

§ 3. The capital stock of said company shall be divided into shares of twenty-five dollars each, and the entire capital stock shall not exceed the amount necessary to construct said road and one toll-house, at which toll may be collected at full rates for one gate.

§ 4. When a sufficient amount of stock shall be subscribed to justify the beginning of said road, the commissioners, or such of them as may act, shall, at such time and place as they may deem proper, call a meeting of the stockholders, and hold an election for president and five directors for one year, or until their successors are elected and qualified.

§ 5. It shall be the duty of the president and directors to appoint a treasurer, who shall be responsible for all moneys of the company that may come to his hands, subject to the order of the president; and he shall keep an account of the receipts and expenditures of said company in a book kept for that purpose, which shall be open to the inspection of any stockholder of said company.

§ 6. This road shall commence at the Bardstown and Green River Turnpike Road, in the town of New Haven, and run the most practicable route to a point to intersect the Rolling Fork and New Hope and Gethsemane Turnpike Road at or near the Breedlove house.

§ 7. That in case the proprietors or owners of the land over which said road runs refuse to grant the right of way, or they are infants or absent, or non-residents, said company may, upon application, after said parties have been summoned as provided for in the Civil Code of Practice, obtain from the county court of the county where the land lies a writ of *ad quod damnum*, to be issued and executed as such writs are now issued and executed by law in condemning roads and passways, and the same proceedings shall be had, except the damages shall be paid by the company.

§ 8. The grade and width of said road shall be determined by the president and directors; the width of metal shall not be less than twelve feet; and the board shall have

power and authority to pass all necessary by-laws and regulations necessary to carry this act into effect.

§ 9. This act shall take effect from and after its passage.

Approved April 15, 1884.

CHAPTER 755.

AN ACT act to prohibit the sale of spirituous, vinous, or malt liquors in Spring Dale precinct, of Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person to sell or give away any spirituous, vinous, or malt liquors within Spring Dale precinct, of Jefferson county.

§ 2. That any person thus offending shall be guilty of an unlawful act, and shall be punished according to existing laws for the illegal sale of whisky.

§ 3. This act to take effect from and after its passage.

Approved April 15, 1884.

CHAPTER 756.

AN ACT for the benefit of Hosia A. Moore, of Allen county.

WHEREAS, On the ninth day of May, one thousand eight hundred and eighty-three, Hosia A. Moore, of Allen county, and the bail and surety of John A. Moore, paid to the trustee of the jury fund of said county forty dollars, which was one hundred per cent. of a fine of forty dollars assessed against John A. Moore, and the same fine was remitted by the Governor of this Commonwealth on the twenty-ninth day of May, one thousand eight hundred and eighty three; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The Auditor of Public Accounts will draw his warrant on the Treasurer in favor of Hosia A. Moore for the sum of twenty-four dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved April 15, 1884.

CHAPTER 757.

AN ACT to protect game in the county of Woodford.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person, within the County of Woodford, to catch, kill, or pursue with such intent, or have the same in possession after it has been caught or killed, any quail, woodcock, pheasant, or partridge, between the twenty-fourth day of December and the twentieth day of October in the following year.

§ 2. That if any person violate the provisions of this act he shall, upon conviction, be punished by a fine of not less than five dollars nor more than ten dollars for each offense.

§ 3. This act shall take effect from and after its passage.

Approved April 15, 1884.

CHAPTER 758.

AN ACT to authorize Providence District, in Webster county, to elect commissioners with power to compromise and settle the railroad debt of said district.

WHEREAS, It is represented to this General Assembly that, in or about the year one thousand eight hundred and ———, the Providence District, in the county of Webster, issued about thirty-five thousand dollars in bonds to aid in the construction of the Madisonville and Shawneetown Straight-line Railroad, and for the past four or five years have not paid the interest on said bonds; and it being suggested that a compromise may be effected which will be mutually satisfactory to the tax-payers of said district and the holders of said bonds; and to enable them to do so,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That on the first Monday in May, one thousand eight hundred and eighty-four, there shall be an election at the town of Providence by the qualified voters of said district. At said election there shall be elected three commissioners, who shall be resident tax-payers of said district, who, when elected, shall have full and complete power to agree and

compromise with the holders of said bonds as to the amount to be paid, and when to be paid, and how to be paid. Said contract, agreement, or compromise shall be reduced to writing, and signed and acknowledged by said commissioners and said bond-holders or said bond-holders' agent, and shall be recorded in the county clerk's office of said county. Said contract, agreement, or compromise shall bind said district and the said bond-holders agreeing to the same; and the county judge, in making levies, is to be governed by said agreement.

§ 2. The county court of Webster county shall appoint officers to hold said election, and shall advertise the same at least two weeks in some newspaper having a circulation in said district. The sheriff of said election, together with the county judge and clerk of Webster county, shall meet at the county clerk's office as soon as may be after said election, and compare the polls and certify the result, which shall be entered of record by the clerk in his office. As soon as this is done, the commissioners thus elected shall enter upon the duties of their office, and shall continue till their successors are elected, which shall be on the first Monday in May, one thousand eight hundred and eighty-six, and every two years thereafter; and in case a vacancy occurs, the same shall be filled by the Webster county court.

§ 3. These commissioners shall act as a board to supervise and equalize the assessments in said district, in so far as it relates to and affects said railroad tax; and any one being aggrieved may appeal to the county court, whose decision shall be final.

§ 4. Said commissioners may agree with some one to collect said taxes, and agree upon his compensation, in which case the county court shall appoint said person collector, and take from him a sufficient bond, as now required by law; but in case they do not select a collector, the sheriff of said county shall collect as now required by law, or the county court shall appoint a collector as now required by law. Whoever may be collector, he shall have all the powers of a sheriff in collecting revenue. A treas-

urer may also be appointed by said commissioners, who shall prescribe his duties, and who shall execute bond as now required by law.

§ 5. All the expenses incurred under or by virtue of this act to be paid by said commissioners, who shall also pay all other needful expenses incurred by them in pursuance of this act.

§ 6. If, after an agreement or compromise is entered into, said commissioners or district fail to comply with said agreement or compromise, the circuit court of said county shall have jurisdiction upon the petition of said bond-holders, or any of them, to enforce said agreement by any appropriate proceedings, or, on petition of the commissioners, may compel the bond-holders to execute their part of said agreement.

§ 7. The commissioners shall have a compensation for their services, to be fixed by the county court and charged to the account of said district.

§ 8. This act to take effect from and after its passage, and shall only apply to such bond-holders as agree to the compromise by themselves or agents.

Approved April 15, 1884.

CHAPTER 759.

AN ACT to incorporate the Kentucky Humane Society for the Prevention of Cruelty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That T. H. Sherley, T. H. Taylor, L. G. N. Landrum, Theo. Conrad, Rudolph Finzer, J. D. Barbour, W. McCrady, Samuel Russell, J. T. Allen, E. C. Bohne, S. F. Carrington, D. K. Mason, J. Hays, H. C. Walbeck, George Baber, R. P. White, Manlius Taylor, W. B. Loughridge, J. L. Deppen, B. F. Alford, John H. Wellér, Adolph Moses, and J. W. McGee, all of the city of Louisville, and such other persons as may be associated with them in conformity to this act, and their successors, are hereby constituted and created a body-corporate, by the name of the Kentucky Humane Society for the Prevention of Cruelty, having for

its object the prevention and repression of cruelty, with perpetual succession, and power to acquire, hold, and sell real estate for corporate use, to contract and be contracted with, to sue and be sued, to adopt, make, and use a common seal, and the same to alter at its pleasure.

§ 2. The officers of the said corporation shall consist of a president, two vice presidents, one secretary, one treasurer, an executive committee of five members, and such other officers as shall from time to time seem necessary to this society.

§ 3. The foregoing officers shall be chosen from among the members of the society.

§ 4. A library may be created for the use of the society.

§ 5. The said society, for fixing the terms of admission of its members, for the government of the same, for the election, changing the officers above named, and for the general regulation and management of its affairs, shall have power to form a code of by-laws, not inconsistent with the laws of this State or of the United States, which code, when formed and adopted at a regular meeting, shall, until modified or rescinded, be equally binding as this act upon the society, its officers and members.

§ 6. This society shall not, in its corporate capacity, hold real estate exceeding in value, at any one time, the sum of fifty thousand dollars.

§ 7. The police force of the city of Louisville, as well as of all other places in this State where police organizations exist, and all sheriffs, constables, and justices of the peace, shall, as occasion may require, aid the society, its members or agents, in the enforcement of all laws which are now or may hereafter be enacted for the prevention of cruelty.

§ 8. The provisions of this act shall be general within the boundaries of the State.

§ 9. This act shall take effect from its passage.

Approved April 15, 1884.

CHAPTER 760.

AN ACT for the benefit of the Independent Fire Company, Washington number one, of Maysville and suburbs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to the rights and privileges granted by the act incorporating the Independent Fire Company, Washington number one, of Maysville and suburbs, approved December twenty-seventh, one thousand eight hundred and fifty-one, the following additional powers, rights, and privileges, be, and they are hereby, granted to said company.

§ 2. Said Independent Washington Fire Company number one, having obtained a lease from the city of Maysville of a certain lot of ground in Maysville, said lease is ratified, and said company is authorized to hold said real estate under said lease, and to renew, extend, or modify said lease as may from time to time be agreed upon by and between said company and the city of Maysville.

§ 3. Said Independent Washington Fire Company shall have power to repair, renew, enlarge, and extend the buildings on said property, and to lease said buildings, or any part thereof, for such period of time, and on such terms as may be agreed upon by said company, and to hold, use, and occupy said premises for the benefit of said company, under the charter, for the purposes expressed in the charter of said company and the lease.

§ 4. That said Independent Washington Fire Company, in order to obtain funds to place the contemplated buildings and improvements on said lot of ground in Maysville, is authorized to make a loan of not exceeding ten thousand dollars; and to secure and provide for the payment of said loan, principal and interest, said Independent Washington Fire Company is authorized to issue its bonds, in sums of one hundred dollars each, with interest payable annually at a rate not exceeding six per cent. per annum, with coupons attached for said interest, payable at such place and times as it may determine, for amounts not exceeding for principal more than ten thousand dollars, and also to execute and

cause to be recorded in the office of the clerk of the county court of Mason county a deed of trust upon said lot of ground, and the buildings and improvements thereon, and any other property of said company, and any property said company may acquire, pledging said property then owned or that may be afterward acquired for the full payment of said loan and interest, as shown by the bonds and coupons so authorized to be issued.

§ 5. The bonds and deed of trust must be signed by the president and secretary of said company, and the same sealed with the seal of the corporation. The coupons may be signed by the secretary of said company.

§ 6. This act shall take effect from and after its passage.

Approved April 15, 1884.

CHAPTER 761.

AN ACT to incorporate the "Western Cotton Mills," in Daviess county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. F. Kimbley, James H. Hickman, J. H. Diggles, A. M. Diggles, C. W. Bransford, Richard Monarch, J. D. Powers, Jo. Lee, Fred. W. Clark, F. J. Birk, W. P. Kent, W. N. Sweeney, and Chas. S. Walker, be, and are hereby, created a body-politic and corporate, under the name and style of the "Western Cotton Mills;" and by that name they, and their successors and associates, shall have perpetual succession and corporate powers; and may have a corporate seal, and alter, break, and change the same at pleasure; and by that name may contract and be contracted with, and sue and defend actions in all courts.

§ 2. The business of said corporation shall be the manufacture and sale of cotton fabrics at or near Owensboro, Kentucky; and as incident to said business, it may purchase real estate, machinery, and build and erect factories, warehouses, tenements, and other buildings, and improve the same, and do all and every act incident to or convenient in prosecuting the business of manufacturing cotton fabrics, and in procuring materials and transporting them, and in

shipping and selling such fabrics. The chief office or place of business of said corporation shall be in Daviess county, Kentucky, in or near the city of Owensboro. The business of said corporation shall be managed and controlled by five directors, to be chosen by a majority in interest of the subscribers for stock or holders of stock in said corporation, each stockholder and subscriber for stock being entitled to one vote for each share of stock subscribed for or held in said corporation, which may be cast in person or by proxy; and one of said directors shall be chosen president of said board, who, when elected, shall be the chief executive officer of said corporation, and shall preside at the meetings of the board of directors, and shall give the casting vote in case of an equal number of votes cast by the directors in any matter before the board. He shall be a resident of Daviess county, Kentucky. The directors shall be stock subscribers for or stockholders in said corporation. Neither the stockholders nor their individual property shall be liable for the debts, contracts, obligations, or liabilities of said corporation. The capital stock shall not exceed one million five hundred thousand dollars, to be divided into shares of one hundred dollars each; but said corporation may organize and commence business when as much as two hundred thousand dollars shall have been subscribed for by individuals or corporations; and the president and directors may, from time to time, open books and receive subscriptions for stock, or issue on said stock not to exceed one million five hundred thousand dollars.

§ 3. Any one or more of the corporators herein named are authorized to open books and receive subscriptions to the capital stock in said corporation, and the form of the subscription shall be in substance an agreement by the subscriber to pay for the number of shares set opposite his name at the rate and price of one hundred dollars per share, to be paid when required to be paid by the president and directors of said company: *Provided*, That not more than ten dollars on the share of one hundred dollars shall be required to be paid in any one month after subscription. And any subscription made for stock in said corporation

before the passage of this act, or for the purposes herein contemplated, shall be as binding as if made after its passage and pursuant to its provisions. And the said corporation may, by suit, recover from the subscribers any sum which may become due on subscriptions according to the provisions of this act ; and on trial, if it shall appear in evidence that other installments have become due from such subscriber according to the requirements of the president and directors under this act after the commencement of the suit, the whole amount so appearing due at the trial shall be recovered, and, in addition to the amount due, there shall also be recovered interest from the time it should have been paid, and also the reasonable attorney's fees paid or payable for the prosecution of said suit ; and as a further means of enforcing payment of subscriptions, the president and directors may cancel the stock of any one who has made no payment thereon, or who fails or refuses to pay, or they may authorize the treasurer of the company to sell the stock of any one failing or refusing to pay any installment thereon, for cash, after ten days' public notice, and appropriate the amount bid to the payment of sums already due and thereafter to become due ; and may afterwards sue and recover any balance which may become due on calls made by the president and directors ; and the treasurer is authorized to transfer any stock so sold for unpaid subscriptions.

§ 4. At any time after the amount of stock shall have been subscribed as provided in the second section of this act, any two of the corporators herein named may, ten days after notice by them shall have been published in a newspaper in the city of Owensboro, designating the time and place of meeting, hold an election for directors as herein provided, and their certificate to be entered in the books of the corporation shall be conclusive evidence of the election of the directors therein certified. Said directors shall hold their office until the second Monday in January next thereafter, and until their successors shall have been elected ; and after the first election, the election for directors shall be held on the second Monday in January in each year thereafter, at such place, and by such persons, as the president

and directors may designate. The president and directors may ordain such by-laws as they may deem proper for the government of the corporation and the dispatch of business as they may see fit, not inconsistent with the provisions of this act. They may also appoint a secretary, a treasurer, and such agents and superintendents as they may deem prudent to appoint; and may require of each, or any of such officers or agents, such bonds and sureties as they may deem proper to secure a faithful performance of their respective duties. The president and directors, or any five of the stockholders, may, at any time it shall be deemed proper, call a meeting of stockholders to consider any question of general interest to the stockholders; and when met, each stockholder shall have a vote for each share of stock, to be cast by proxy or in person.

§ 5. The county court of Daviess county, and the mayor and council of the city of Owensboro, shall have power, at their discretion, to exempt the property of said corporation from the payment of county and city taxes for a period not exceeding fifteen years.

§ 6. The president and directors shall, within thirty days after each election, file in the clerk's office of the Daviess county court a certificate showing the names of the president and directors, and a list of the stockholders, showing the number of shares held by each stockholder, which shall be by the clerk of said court entered at large in the order-books of said court.

§ 7. The corporation shall have a prior lien on the stock of each share-holder for any indebtedness of his to the corporation, and the stock shall only be transferable, on the books of the corporation in person or by attorney in fact.

§ 8. The said company shall have power to do all acts which like corporations usually do which are incident to the business for which this corporation is created.

§ 9. This act shall take effect and be in force from and after its passage.

[Became a law without the signature of the Governor.]

CHAPTER 762.

AN ACT to amend an act, entitled "An act to incorporate the town of Mt. Olivet, Robertson county," approved March eighteenth, one thousand eight hundred and seventy-one.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section twenty-one (21) of an act, entitled "An act to incorporate the town of Mt. Olivet, Robertson county," approved March eighteenth, one thousand eight hundred and seventy-one, be, and the same is, amended by adding thereto the following: Said marshal may, with the advice and consent of the board of trustees, whenever they deem it proper and necessary, appoint one or more deputy marshals, not exceeding five, however, with similar powers and duties as the marshal now has. The terms and salaries of said deputies shall be fixed by said board of trustees.

§ 2. That section eighteen (18) be amended by adding thereto the following: The police judge shall have concurrent jurisdiction with justices of the peace in all cases of riots, routs, and breaches of the peace occurring within the corporate limits of said town. If a part or all of a penalty for a violation of any of the ordinances of said town, or any law under which the police judge has power to act, be a fine, it shall be the duty of the court to adjudge that if the fine and costs are not paid or replevied, the defendant shall be required to labor for the benefit of the town, at the rate of one dollar and fifty cents per day, until the said fine and costs are satisfied. The court may, also, for a violation of any of the ordinances or laws, where the same so provides, commit to jail, or sentence to hard labor for the benefit of the town, any defendant so offending and found guilty thereof.

§ 3. This act shall take effect from its passage.

Approved April 10, 1884.

CHAPTER 763.

AN ACT to increase and regulate the jurisdiction of the quarterly and justices' courts in the counties of Christian, Todd, and Logan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the quarterly courts in the counties of Christian, Todd, and Logan shall have jurisdiction concurrent with the circuit courts of said counties in all actions and proceedings for the recovery of money or personal property, where the matter in controversy, exclusive of interests and costs, does not exceed four hundred dollars in value; and the courts of the justices of the peace, and police or city judges, in the said counties of Christian, Todd, and Logan shall have jurisdiction concurrent with the circuit and quarterly courts of said counties in all actions and proceedings for the recovery of money or personal property, where the matter in controversy, exclusive of interests and costs, does not exceed two hundred dollars in value.

§ 2. The pleadings therein shall be oral, and without verification, yet, before any summons shall issue, the plaintiff shall file with the judge or justice the account or written contract, or a short written statement of the facts on which the action is founded.

§ 3. In all suits for sums in excess of fifty dollars, exclusive of interests and costs, the plaintiff shall file a petition on a printed blank, or in writing, which the judge or justice shall furnish who issues the summons, and pay a State tax of fifty cents; and whenever the defendant shall file an offset or counter-claim in excess of fifty dollars, a like tax of fifty cents shall be paid by him to the judge or justice, who shall report and account for all tax so paid by plaintiff or defendant to the trustee of the jury fund as now provided by law.

§ 4. Upon all judgments hereafter rendered in the quarterly courts, by virtue of the provisions of this act, where the amount in controversy is of the value of twenty dollars or more, appeal may be had to the circuit court, and upon all judgments rendered in justices' courts, where the amount in controversy is of a value less than fifty dollars, or as much as ten dollars, exclusive of interest and costs, in both

cases appeals may be had to the quarterly courts of said counties; and where the amount in controversy is of a value of more than fifty dollars, exclusive of interests and costs, appeals may be had to the circuit courts of said counties. The appeals and costs in all other respects shall be regulated as now provided by law.

§ 5. This act shall take effect and be in force from and after its passage.

Approved April 15, 1884.

CHAPTER 764.

AN ACT for the benefit of D. M. Atkeson, of Magoffin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby, directed to draw his warrant on the Treasury for one hundred and twelve dollars and fifty cents (\$112.50) in favor of D. M. Atkeson, committee for R. E. Prater, W. J. Wadkins, and Delphia Wilson, pauper idiots, being one hundred and twelve dollars and fifty cents expended for their support from fifth September, one thousand eight hundred and eighty-one, to fifth March, one thousand eight hundred and eighty-two, at the rate of seventy-five dollars per annum.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 15, 1884.

CHAPTER 766.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to incorporate the Great Western Lumber, Mining, and Manufacturing Company.'" "

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend an act incorporating the Great Western Lumber, Mining, and Manufacturing Company," approved March twenty-seventh, one thousand eight hundred and eighty-four, be amended as fol-

lows, to-wit: That the name of the corporation, the Great Western Lumber, Mining, and Manufacturing Company, be, and the same is hereby, changed to the Kentucky Southern Lumber Company; and under this name it shall contract and be contracted with, sue and be sued, and have all the rights and privileges, and be subject to all the liabilities that said corporation had granted to it and imposed upon it by the act incorporating and the act amending the act of incorporation of said Great Western Lumber, Mining Company; and the capital stock of said corporation may be increased to any amount not exceeding five hundred thousand dollars; and the act to which this is an amendment is further amended by supplying in the twenty ninth line of the enrolled bill, being on the second page of said enrolled bill, where a blank occurs by reason of the omission of a word, the word "twentieth."

§ 2. This act shall take effect from its passage.

Approved April 15, 1884.

CHAPTER 767.

AN ACT to amend the charter of the Jackson Academy Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The trustees of the common school district in which the town of Jackson, in Breathitt county, Kentucky, is situated, may, with the consent of the trustees of the Jackson Academy Company, incorporated by act of this General Assembly, approved twentieth March, one thousand eight hundred and eighty-four, have the common school in said district taught as provided by law in the building owned or controlled by said company, and in connection with the school to be conducted by said company, on such terms as may be agreed on between the trustees of said district and of said company; and a school so taught shall meet the requirements of the common school law, and be accepted as such by the officers having to deal therewith.

§ 2. Whenever the board of trustees of the Jackson Academy Company shall select a site for the academy which said

company proposes to build, it shall be the duty of the Breathitt county court, upon the application of said trustees, to order a summons to issue, describing the land proposed to be taken, requiring the owners and tenants to appear and show cause, if any, against the same. If any of the owners or tenants be under disability, or are infants, the proceedings against them shall be the same as those authorized by the Code of Practice in civil cases. At the next term of said court, after said summons shall have been executed twenty days, it shall be the duty of said court, if required by either party, to order a writ of *ad quod damnum* to issue; said writ shall command the sheriff of said county to summons and empanel a jury of freeholders of the county, not related to any of the parties, to meet on said land, at a certain time, of which due notice shall be given to the parties, or, if they be absent from the county, to their attorneys.

§ 3. The jury, after being duly sworn by the officer, shall view the land, and ascertain what will be a just compensation to the owners, apportioning the compensation in proportion to the respective interests of the owners and tenants of the land proposed to be taken, and the damage to the residue of the tract beyond the peculiar benefits, if any, to such residue from the establishment of said institution. If the jury shall not be sworn on the day specified, or one shall be sworn and disagree, and be discharged, the officer shall execute the writ on such other day as he shall appoint, not beyond the next succeeding term, giving notice thereof to the parties as before. If the inquest cannot be completed in one day, the officer shall adjourn the jury from day to day until its completion. When completed, it shall be signed by the jurors, and returned by the officer to the county court clerk. For the purpose of ascertaining the respective interests of the owners and tenants of the land, the jury shall hear any legal evidence offered by the parties. Said inquest shall [be] subject to the confirmation of the court, and either party may prosecute an appeal to the Breathitt circuit court, and thence to the Court of Appeals.

§ 4. Upon the return of said inquest to the court, if the court confirm it, it shall order the board of trustees of said

academy company to pay the amounts named in said inquest to the parties entitled to it under said inquest, or if they refuse to accept it, the court shall appoint a receiver, who shall execute bond, to be approved by the court; and said board shall then pay said money to said receiver, and the court shall thereupon enter an order condemning the land for a site for said academy; and said proceedings shall have the effect to pass the title to said land to said trustees in trust for the purposes of said institution.

§ 5. The land so taken shall not exceed twenty acres.

§ 6. Said board of trustees may tender to the owners and tenants of the land compensation in open court before the issuing of the writ of *ad quod damnum*; and if they refuse to accept it, and the amount ascertained by the inquisition of the jury do not exceed the amount tendered, the cost of the proceedings shall be paid by the owners and tenants, otherwise it shall be paid by the board of trustees of said company.

§ 7. This act shall take effect and be in force from its passage.

Approved April 15, 1884.

CHAPTER 768.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors, or any mixture thereof, within two and one half miles of Eubanks, in Pulaski county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell or vend any spirituous, vinous, or malt liquors, or any mixture thereof, within two and one half miles of Eubanks, in Pulaski county, except upon the written prescription of a regular practicing physician who is not interested in such sale

§ 2. Any person violating the provisions of this act shall, upon conviction thereof before any court of competent jurisdiction, be fined in any sum not less than twenty-five dollars nor more than one hundred dollars.

§ 3. This act shall take effect from its passage.

Approved April 15, 1884.

CHAPTER 769.

AN ACT to prevent the sale of spirituous, vinous, or malt liquors in two miles of the school house in school district number fifteen, in Lincoln county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act it shall be unlawful for any person or persons to sell any spirituous, vinous, or malt liquors, in less quantities than half barrels, within two miles of the school-house in the school district number fifteen, in Lincoln county.

§ 2. That for every violation of section one of this act the guilty party or parties, upon conviction, the penalty shall be as prescribed by the General Statutes for retailing without license or keeping a tippling-house.

§ 3. This act shall take effect from its passage.

Approved April 15, 1884.

CHAPTER 770.

AN ACT to prohibit the sale of spirituous, vinous, malt, or other intoxicating liquor, within the limits of the Berlin voting precinct, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell, within the limits of the Berlin voting precinct, in Bracken county, any spirituous, vinous, malt, or other intoxicating liquors, or the mixture of either.

§ 2. That any person violating the provisions of the first section of this act shall be subjected to a fine of fifty dollars, to be recovered before any court of competent jurisdiction.

§ 3. That any provision contained in the charter of the town of Berlin, or any other law in force within the limits of said district inconsistent herewith, are hereby repealed.

§ 4. That this act shall take effect and be in force from its passage.

Approved April 15, 1884.

CHAPTER 771.

AN ACT to amend an act, entitled "An act to incorporate the Farmers' Mutual Aid Association, of Mason county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second section of an act to incorporate the Farmers' Mutual Aid Association, of Mason county, approved January twenty-sixth, one thousand eight hundred and eighty-two, be, and is hereby, amended by adding the following: The said association may take risks on tobacco hanging or bulked in barns, which are insured in this association, not to exceed two-thirds of its cash value at the time it is so taken; but such tobacco so insured, in case of loss by fire, lightning, wind, or flood, shall pay an assessment equal to double the assessment upon buildings insured in this association. Said association is hereby authorized to take risks upon other personal property upon the same terms that buildings are now taken by virtue of the act to which this is an amendment.

§ 2. This association is authorized to make all by-laws necessary to carry the above provisions into effect.

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 15, 1884.

CHAPTER 772.

AN ACT for the benefit of the Forest Retreat and Panther Creek Turnpike Road Company, in Nicholas county.

WHEREAS, Quite a number of those who subscribed stock to the capital stock of the Forest Retreat and Panther Creek Turnpike Road Company, in Nicholas county, have been unable to pay their said subscriptions on account of their failure, during the last two or three cropping seasons, to raise more than a bare support for their respective families, whereby several hundred dollars have been lost to said company, and entailing upon said company the necessity of borrowing money and paying a high rate of interest therefor; and whereas, the past two win-

ters have been very injurious to said pike, necessitating repairs greatly beyond the amount of tolls received from the travel on said pike; and whereas, said pike is now greatly in need of repairs, and unless promptly repaired, will soon be unfit for travel as a pike; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever the board of directors of said company shall make to the presiding judge of the Nicholas county court a detailed statement of moneys received and paid out by them in the construction and repair of said pike, and a statement of their engineer of the cost of repairs necessary to be made on said pike; and if it shall appear from said statement, and any proof that may be offered thereon, pro and con, that there is an actual indebtedness contracted in constructing said pike, said county judge shall levy an ad valorem tax on the property of Nicholas county subject to taxation for State revenue tax sufficient to pay said indebtedness and said repairs: *Provided, however,* The said levy shall not exceed eight cents on each one hundred dollars' worth of said property, and cause the same to be collected and paid to said company; and said tax may be so levied and collected that only one half of it shall be levied and collected in and during the year in which said statement is presented to said judge, and the other half to be levied and collected the next succeeding year; but it is now further provided that said county judge may, before he makes said levy, require at least two-thirds of the stock of said company (other than the county stock therein) to be surrendered to him for the benefit of Nicholas county.

§ 2. The sheriff of Nicholas county will collect and pay over the taxes imposed under this act, under the same powers, liabilities, and penalties as are granted to and imposed upon him by the general law of Kentucky in regard to collecting and accounting for the revenue of the State.

§ 3. This act shall be in effect from and after its passage.

Approved April 15, 1884.

CHAPTER 773.

AN ACT for the benefit of Alexander Oder, assessor of Scott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Alexander Oder, assessor of Scott county, be given the further time of one month beyond the period fixed by law to complete his assessments and make return thereof.

§ 2. This act shall take effect from its passage.

Approved April 15, 1884.

CHAPTER 774.

AN ACT to amend an act to incorporate the town of Lamasco, in Lyon county, approved April first, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Lamasco be, and they are hereby, empowered to have built for said town a lock-up or station-house; and if necessary, said trustees may cause a tax to be levied to pay for the construction of said lock-up or station-house.

§ 2. This act shall take effect from and after its passage.

Approved April 15, 1884.

CHAPTER 775.

AN ACT authorizing the county court of Daviess county to levy an ad valorem tax for county purposes

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Daviess county, composed of the judge thereof and a majority of the justices of the peace, be, and they are hereby, authorized and empowered to levy an ad valorem tax of not exceeding ten cents on each one hundred dollars, on all property in said county listed for taxation for revenue purposes; and said court may make

such levy for the years one thousand eight hundred and eighty-four and one thousand eight hundred and eighty-five.

§ 2. That the presiding judge of said court shall annually, or oftener if necessary to fill a vacancy, appoint a collector of said county, who shall hold his office for one year from the time of his appointment, and until his successor is appointed and qualified; and it shall be the duty of said collector to collect and pay over, under orders of said court, all taxes levied under this act, and to enable him to so collect, he may make distress, levy, and sale of property, real and personal, as now provided by law for sheriffs in the collection of the revenue of this Commonwealth.

§ 3. Said collector shall execute bond with good security, approved, for the faithful performance of his duties, upon the same conditions and in the same manner as is now by law required of sheriffs of this Commonwealth for the collection of the county levy; and he and his sureties shall be liable on said bond for all failures of duty under this act, and subject to all the penalties now imposed by law for like failure of duty of sheriffs of this Commonwealth. The said collector shall be allowed the same commission for collecting said taxes as sheriffs are allowed for collecting the revenue of this Commonwealth, and shall in all other respects be governed by the laws prescribed for the collection and payment of the county levy.

§ 4. That, in addition to the tax of ten cents per hundred dollars provided for in the first section of this act, the said county court, a majority of the justices present concurring, may, and is hereby, authorized to levy another and further ad valorem tax of fifteen cents on each one hundred dollars' worth of taxable property for the year one thousand eight hundred and eighty-four, or the year one thousand eight hundred and eighty-five, or both: *Provided, however,* That this section of this act shall not go into effect until it is first submitted to the qualified voters of Daviess county in the manner provided for in the next section.

§ 5. A poll shall be opened at each voting precinct in Daviess county, at which each person qualified and entitled to vote for members of the General Assembly shall be entitled

to vote, and the question shall be voted on: "Are you for or against an additional ad valorem tax?" Said election shall be conducted, and the polls compared and the results certified by the same officers, and in the same manner, as in election of county officers. If it shall appear from said certificate that a majority of the votes cast at said election was in favor of said tax, then the preceding section of this act shall have full force and effect. The presiding judge of the county court shall have power to call a special election in said county on a day to be fixed by him, by an order made of record at a regular term of a county court, for the purpose of taking said vote, and he shall appoint officers to hold said election; but at least three (3) weeks before said election is held, either at a general or special election, written or printed notices of the contents of this act, and the object of said election, shall be posted at some public place in each voting precinct in said county, and also published three weeks before said election in a weekly newspaper published in said county.

§ 6. This act shall take effect from its passage.

Approved April 15, 1884.

CHAPTER 776.

AN ACT to provide for the redistricting of Todd county into justices' districts.

WHEREAS, There is uncertainty and disputes as to the lines and boundaries of the justices' districts in Todd county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of the county court of Todd county be, and he is hereby, authorized and directed to appoint three commissioners, one of whom shall be the county surveyor of Todd county, whose duty it shall be to divide said county into seven justices' districts.

§ 2. That said commissioners shall be voters of Todd county, and before they enter upon the discharge of their duties shall take an oath to faithfully discharge their duties under this act.

§ 3. That it shall be the duty of said commissioners to lay off and divide said county into seven justices' districts, and fix as many voting places in each district as may be necessary. They shall define and describe the lines or boundaries of each justices' district with such clearness as to show with certainty the voters and territory embraced in each. They shall make and return to the Todd county court a full written report of their acts under this act, which shall be examined and confirmed or rejected by said court, and when confirmed, shall be ordered to record, and recorded at length on the order-book of said court.

§ 4. The next election for justices of the peace and constables in said county shall be held at the voting precincts and in the districts as established by this act; but the justices of the peace and constables now in office in said county shall continue in office until the end of their present term as if this act had not passed.

§ 5. If said county court should reject the report of said commissioners, it shall be his duty immediately thereupon to appoint three other voters of said county commissioners, who shall divide said county into districts, and report as hereinbefore directed, and this shall continue until a report is confirmed and recorded.

§ 6. After the county shall have been re-districted and the same recorded, the Todd county court shall not have the right or power to change the same.

§ 7. The commissioners shall be allowed reasonable compensation for their services under this act, which shall be allowed by the Todd county court of claims, and paid as other claims against the county.

§ 8. This act shall take effect and be in force from and after its passage.

Approved April 15, 1884.

CHAPTER 777.

AN ACT prohibiting the sale of spirituous, malt, or vinous liquors in or within two miles of Rippyville, in Anderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for any person or persons to sell spirituous, malt, or vinous liquors in the town of Rippyville, Anderson county, Kentucky, or within two miles of said town, and the county court of Anderson county is prohibited from granting license to any person to sell spirituous, malt, or vinous liquors in said town, or within two miles thereof.

§ 2. That any person selling such liquors in violation of this act shall be deemed guilty of keeping a tippling-house, and shall be subject to the same fines and penalties as are now provided by law for keeping a tippling-house.

§ 3. That all laws and parts of laws in conflict with this act are hereby repealed.

§ 4. That nothing in this act shall be construed to interfere with or prohibit the sale of liquors under any license heretofore granted until such license shall expire.

§ 5. This act shall take effect and be in force from and after its passage: *Provided*, The said bill shall be subject to ratification by a vote of a majority of the legal voters of that magisterial district voting at the election when said proposition is submitted.

Approved April 15, 1884.

CHAPTER 778.

AN ACT to legalize the bonds of R. W. Harris, sheriff of Floyd county, for the collection of the State revenue and county levy of Floyd county, and public dues of said county, for the year one thousand eight hundred and eighty-four.

WHEREAS, The county judge of Floyd county failed to hold a county court for said county on or before the first Monday in January, one thousand eight hundred and eighty-four, for the purpose of allowing R. W. Harris, sheriff of Floyd county, to execute his bond for the collection of

the State revenue and county levy and public dues of said county, although requested to do so; and whereas, said sheriff of Floyd county executed said bonds in the absence of the county judge of said county, and upon his failure to preside, before Edward Ford, justice of the peace for Floyd county, he being the justice residing nearest the court-house of said county, on the first Monday in January, one thousand eight hundred and eighty four; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said bonds be, and they are hereby, declared legal and valid, and of the same force and effect as if executed before the county judge of Floyd county.

§ 2. *Provided,* That before the said sheriff of Floyd county, to-wit, R. W. Harris, shall have the benefit of this act, he shall, with his securities, go before the clerk of said county court, in open session, and severally re-acknowledge their bond to the Commonwealth.

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 15, 1884.

CHAPTER 779.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors within three miles of Lynchburg, in Garrard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for any person or persons to sell any spirituous, vinous, or malt liquors within three miles, in any direction, of the village of Lynchburg, in Garrard county.

§ 2. Any one thus offending shall be fined not less than twenty dollars and not more than sixty dollars for each offense, to be recovered before any justice of the peace in the district, or by indictment of the grand jury of the county in which the offense is committed.

§ 3. This act to be in force from and after its passage.

Approved April 15, 1884.

CHAPTER 780.

AN ACT to incorporate Auburn College, in Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. H. Blakey, G. T. Blakey, R. G. Wilson, G. W. Davidson, A. C. Ritchey, and A. G. Gooch, and their successors, are hereby created a body-corporate and politic, by the name of the Board of Managers of Auburn College; and by that name may sue and be sued, plead and be impleaded, in all the courts of the Commonwealth; and by that name shall have power to contract and be contracted with, and shall have power to use a corporate seal, and change and alter the same at pleasure; but it shall not be necessary for said corporation to procure a corporate seal, but may authenticate its acts by the signature and seal of the president, attested by the secretary; shall have power to secure and hold, for the benefit of said Auburn College, any lands, tenements, hereditaments, moneys, goods, or choses in action, by gift, donation, devise, contract, or purchase, which the trustees may deem necessary for the use of Auburn College; and to do and perform all such acts as the trustees or managers of any similar institution are permitted to do or perform.

§ 2. The above-named board shall hold their office until the first Saturday in June, one thousand eight hundred and eighty-five, at which time, and biennially thereafter, the stockholders shall hold an election for a board of managers, at which election each stockholder shall have one vote for each share of stock owned by him or her. The board of managers incorporated by this act, and any board that may be elected hereafter, shall hold their office until their successors are elected.

§ 3. The board of managers incorporated by this act shall, at the first meeting after its passage, and the board of managers hereafter elected shall, at the first meeting after their election, or as soon thereafter as may by them be deemed practicable, choose from their body a president, to be styled the president of the board of managers; and they

shall also appoint a secretary and treasurer, each of which three officers, unless removed by a majority of said board, shall hold their office for and during the continuance of the board by whom they are chosen or appointed. Should a vacancy at any time occur in any of the offices aforesaid, or in the board of managers, such vacancy shall be filled by a vote of the majority of the board remaining in office.

§ 4. The board of managers shall have power to appoint a president of said college, and such professors and instructors as may be necessary at any time for the instruction of the pupils therein in the arts and sciences, and in all necessary, useful, and ornamental branches of a thorough and liberal education, and the power to make such by-laws for the government of their own body, and such rules and regulations for the government and control of the president, professors, and instructors, and the pupils, as they may deem expedient; and to alter, amend, or annul the same at will.

§ 5. The board of managers shall have power to regulate the course of studies, and to confer upon the graduates of said college such diplomas, honors, and degrees, as evidence of scholarship, as are usual in the colleges of this Commonwealth; the same to be signed by the president of the board of managers, the president of the college, and such other persons as may be determined by the board of managers.

§ 6. The treasurer shall give bond, with security, to be approved by the board of managers, for the proper disposition of moneys that may come to his hands, and for the faithful discharge of his duties.

§ 7. The capital stock of said college shall not exceed twenty-five thousand dollars, to be divided into shares of one hundred dollars; and the board of managers may open books and receive subscriptions to the capital stock at any time they desire.

§ 8. The act which applies to the Auburn High School, which prohibits the sale or giving away of intoxicating liquors at or within two miles of Auburn High School, shall apply to Auburn College.

§ 9. This act shall take effect from its passage.

Approved April 15, 1884.

CHAPTER 781.

AN ACT to prohibit the sale of vinous, spirituous, or malt liquors in the town of McHenry, in Ohio county, or within two miles thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell, or keep for sale, any vinous, spirituous, or malt liquors within the corporate limits of the town of McHenry, in Ohio county, or within two miles of the corporate limits of said town; and it shall not be lawful for the county judge of Ohio county to grant license or authority to any person to sell any of said liquors, in any quantity whatever, within the limits prescribed by this act; and no druggist within said limits shall sell or give away any of said liquors, in any quantity whatever, to any person.

§ 2. Any person convicted of a violation of this act shall be fined not less than one hundred nor more than two hundred dollars, recoverable in the name of the Commonwealth of Kentucky in any court of competent jurisdiction.

§ 3. The town or village of the Taylor mines, which is within two miles of McHenry, shall be exempt from the provisions of this act.

§ 4. This act shall take effect from and after its passage.

Approved April 15, 1884.

CHAPTER 783.

AN ACT for the benefit of J. W. Moseley, assessor of Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. W. Moseley, assessor of the county of Ohio, shall have further time until the first day of June, one thousand eight hundred and eighty-four, to complete the list of taxable property in said county, and return his tax-book to the county clerk of said county.

§ 2. This act shall take effect from its passage.

Approved April 15, 1884.

CHAPTER 784.

AN ACT to amend an act to incorporate the Louisville, Cincinnati, and Virginia Railway Company, approved April twenty fourth, one thousand eight hundred and eighty-two.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to incorporate the Louisville, Cincinnati, and Virginia Railway Company, approved April twenty-fourth, one thousand eight hundred and eighty-two, be, and the same is hereby, amended by striking out of section nine and repealing all that portion thereof, beginning with the words "the Legislature," down to the end of said section.

§ 2. That the tenth section of said act is hereby amended by striking out the last nine words of said section, reading: "Not exceeding thirty years from their date of issue," and in lieu thereof insert: "Not exceeding forty years from their date of issue."

§ 3. That any county, through its county judge, or city through its mayor, or incorporated town through the chairman of its board of trustees, may subscribe to the capital stock of said company a sum sufficient to pay for the right of way, and land for depots, switches, and other purposes incident to the construction and operation of said railroad in said county, city, or town; but no such subscription shall be valid and binding until approved by a majority of those voting at an election held for that purpose, after not less than thirty days' notice, given as provided by the laws of this State for notices of elections to fill vacancies in county, city, or town offices; and if, when the vote be thus taken, it shall appear that a majority of the votes cast shall be in favor of such subscription, it shall thereupon be lawful for such county, city, or town authorities to issue the bonds of such county, city, or town, payable with interest, at such times and places, and upon such terms as they may deem proper, and dispose of the same for the payment of such subscription. On petition of a majority of the justices of the peace of a county, or of fifty owners of real estate therein, the county judge thereof, or on a petition of a majority of the members of a city council or board of trustees of a town or of ten

owners of real estate in a city or town, the mayor of said city or chairman of the board of trustees of said town, shall submit to popular vote, as heretofore provided, the proposition set forth in said petition, to make a subscription as aforesaid to the capital stock of said company sufficient to pay for the right of way and land as aforesaid.

§ 4. Said company is hereby authorized and empowered to receive, hold, and dispose of, by deed executed by its president and secretary on its behalf, such land, mining privileges, or timber as may be donated to it by individuals or corporations as an inducement for the construction of its said railroad, or as may be and in paying for subscriptions to its capital stock.

§ 5. All acts or parts of acts in conflict with this act are hereby repealed.

§ 6. This act shall take effect and be in force from and after its passage.

Approved April 15, 1884.

CHAPTER 785.

AN ACT to establish a system of public graded schools in the city of Mt. Sterling.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the boundaries of common school district number one, which embrace the city of Mt Sterling, in Montgomery county, shall be as follows: Beginning at George A. Whitney's residence; thence to Thos. H. Grubbs' residence; thence to Charles Ragan's residence; thence to the Peter Flood house; thence to the first toll-gate house east of Mt. Sterling, on the Owingsville and Mt. Sterling Turnpike Road; thence to John T. Magowan's residence; thence to M. R. Everett's house; thence to Jere Cockrell's residence; thence to the first toll-gate house south of Mt. Sterling, on the Mt. Sterling and Jeffersonville Turnpike Road; thence to John T. Woodford's residence; thence to Dorcas Anderson's residence; thence to Mrs. Ann E. Bean's residence; thence to William Reese's residence; thence to the

beginning, including in said district so formed the persons named and their families and the houses aforesaid, together with the farms owned by said persons, or on which said dwellings and houses are situated. The public school affairs for white children of pupil age residing within the limits of said district shall hereafter be under the control and management of five trustees, to be elected by the qualified white voters of said school district; and any white widow or alien residing therein, who is a tax-payer therein, or who has a child or children to be educated within the ages of six and twenty years, shall be deemed a qualified voter under this act.

§ 2. That the trustees so elected shall constitute and be styled "The Board of Trustees of Mt. Sterling Public Graded Schools;" and by that name be a body corporate, with power to sue and be sued, contract and be contracted with, acquire by purchase, gift, devise, or otherwise any real or personal property for public school purposes, sell and convey the same, and the title of such property acquired by said trustees shall vest in them and their successors in office forever.

§ 3. That said five trustees shall be first elected at the court-house in Mt. Sterling, at an election on the first Saturday in June, one thousand eight hundred and eighty-four, to be held by the common school commissioner for Montgomery county, between the hours of six o'clock in the forenoon and six o'clock in the afternoon. Printed notices of the time, place, and object of said election shall be posted by said commissioner in three or more conspicuous places in said city, for at least ten days prior to the day of said election.

§ 4. That said trustees shall hold their offices for two years from their election, and until their successors are duly qualified; and an election for trustees shall be held every two years after the first election, on the first Saturday in June, between the hours aforesaid. Each board of trustees so elected shall select from their number a chairman, who shall preside over their deliberations, and give the casting vote in case of a tie. After the first election the board of trustees shall appoint the officers and designate the place

of holding all subsequent elections ; but in case they fail or refuse to discharge said duty until less than ten days before the holding of said elections, the said common school commissioner shall make such appointments and designate the place for holding such election. The officers of said election shall consist of two judges, a clerk, and sheriff, whose duties shall be similar to those of like officers under the general election laws of this State.

§ 5. That said trustees, before entering upon the discharge of their duties, shall take an oath before some officer authorized by law to administer oaths, to faithfully, honestly, and impartially discharge the duties required of them under this act, and the laws of this Commonwealth regulating public schools, and when the first board of trustees elected under this act have been thus qualified, the terms of office of the present trustees of said common school district shall expire.

§ 6. No person shall be eligible to the office of trustee under this act unless he has been a continuous *bona fide* resident of said district for one year next preceding his election, and is a qualified voter as provided in section one of this act.

A majority of said trustees shall constitute a quorum to transact business; and they shall have power to fill vacancies in their board until the next regular election; to appoint a secretary, treasurer, assessor, and collector, and to require and take bonds, with approved security, from the same, for the faithful discharge by them of their duties; to make all by-laws, rules and regulations, for the government of themselves, their appointees, agents, and teachers employed by them, and for the management, control, and government of the public schools for white pupils in said district, and for the protection and preservation of the property of said school corporation. They shall cause to be kept a journal of all their official acts and proceedings, which shall be open at all times to the inspection of any citizen interested in said schools.

§ 7. That said board of trustees shall appoint all teachers and other persons necessary to carry on said schools, and regulate their salaries and compensation; and may suspend

or dismiss any teacher or other appointee whenever they, in their discretion, deem it for the best interests of said schools to do so ; but no teacher shall be employed in any public school for white pupils in said district by said board of trustees who has not received a certificate of qualification from the State or county board of examiners of said county for examining teachers for common schools. They shall grade said school or schools, and prescribe the branches of education to be taught in said schools and classes, and the necessary qualifications for, and mode of examination of, pupils or persons applying for admission into the different grades of said schools ; and also for the punishment, by expulsion or otherwise, of all pupils or other persons for a violation of the rules of government of said schools.

§ 8. That all the white children over six and under twenty years of age residing within the limits of said district shall have equal right of admission to the public school or schools instituted by said board of trustees therein ; but said board of trustees shall have power to require such pupils to attend the grade or school to which they may be respectively assigned under the rules made for the government of said public schools. But it is expressly enacted that the school or schools provided for by this act shall be exclusively for white children of pupil age in said district, and shall always be kept and taught entirely separate from the school or schools now or that may hereafter be provided by law for colored children in said district.

§ 9. That said board of trustees shall have the powers and rights, in addition to those expressly granted herein, and not inconsistent therewith, which pertain to trustees of common schools under the common school laws of this State. They shall make all enumerations and census reports or returns as may be required by law to the common school commissioner of said county ; and shall have the right to receive and appropriate to the white public school or schools in said district the fund due or to become due from the State, under the common school law, to the white pupils of said district ; and it shall be the duty of said common school commissioner to pay the same to the treasurer

of said board of trustees, on its order, to be by him disbursed to the teachers of said public schools as required by law. Said board of trustees shall have power to regulate and determine the length of terms and sessions of said schools, and for what length of time such schools shall be taught in each school year, which year shall be held to begin on the first Monday in September in each year.

§ 10. That said board of trustees shall also regulate the terms and conditions on which other white pupils, besides children of pupil age, residing in said district, or who are over pupil age, in or out of said district, may become pupils in said schools; and all sums received for tuition from such pupils so admitted shall constitute a part of the school fund of said district for the benefit of school or schools instituted therein for white pupils.

§ 11. That said trustees, at the end of each school year, shall cause to be made out and published in some newspaper of said city, if there be one, a report showing the condition and amount of property or funds belonging to said corporation, the amount and source of school funds received and disbursed for the year, and such other facts and information regarding the said schools as they may deem necessary to publish for the advancement of public education.

§ 12. That no catechism or other form of religious or political belief shall be taught or circulated in, nor shall any class-books be used or adopted for, said schools which shall reflect upon any religious denomination; nor shall any class or schools be so conducted as to interfere with the religious belief of parents or pupils.

§ 13. That said board of trustees shall have power to assess, levy, and collect an annual tax upon the fair market value of all the real and personal property owned by white persons situated in or embraced by said district, including money and choses in action, owned by white persons residing therein, taxable under the equalization laws of this State, of not exceeding fifty cents upon each one hundred dollars' worth of said property, money, and choses in action so assessed, and a capitation tax of not exceeding two dollars.

upon each qualified white voter in said district as defined by the first section of this act; and shall have the power to issue and sell the bonds of said common school district corporation for such amount, not exceeding twelve thousand dollars, to run such length of time, and bear such rate of interest, not exceeding six per cent. per annum, payable semi-annually, as they may determine. That said ad valorem and capitation tax, and the fund realized from the sale of said bonds (which shall not be sold for less than par), shall be used only for the purpose of purchasing school grounds and buildings, or erecting the same, and providing suitable furniture, teachers, paying the other necessary costs and expenses of conducting and carrying on said public schools, including the interest on the bonded debt of said district, if any, as well as the costs of having said taxes assessed and collected; and said extra school fund so raised by such local taxation and sale of bonds shall be used and expended in said district, under the orders and directions of said board of trustees, by its treasurer, for the purposes aforesaid, in such manner and in such proportions as they shall, in their discretion, deem necessary and proper to promote the welfare and prosperity of said public school or schools for the education of white pupils.

§ 14. That the assessor appointed by said board of trustees to assess the property, money, and choses in action of said district, as provided by the last preceding section, shall receive a compensation not exceeding ten cents for each list, and in making such assessment shall have the same powers and duties, and be under the same responsibilities, as county assessors under the general laws; and he shall make said assessment, and make return thereof to said board of trustees, at such time as they may direct. After the return of said assessment, the board of trustees shall give ten days' notice, published in some newspaper of said city, if there be one, or if not, by printed notices posted in three or more conspicuous places in said city, of the fact that said assessment has been returned, and giving the tax-payers ten days, after the expiration of said notice, in which to appear

before said board of trustees, who shall, during that period, sit as a board of supervisors, and have power to correct by increasing or decreasing any list on said assessment ; but no increase shall be made till after actual notice to the taxpayer interested, or if a non-resident, to his agent, if any, in the county, and a reasonable opportunity to be heard ; and the action of said board of supervisors shall be final. The collector appointed by said board of trustees in the collection of said local school tax shall have the same powers and be under the same responsibilities as sheriffs in the collection of the State revenue. He shall have the same power to sell property for taxes as sheriffs now have in like cases, and for his compensation for collecting such ad valorem and capitation tax he shall be paid out of the funds so collected a commission of not exceeding five per cent.

§ 15. That before said board of trustees shall exercise the power to assess, levy, or collect an ad valorem or capitation tax, or to issue any bonds of said district for school purposes, as provided for in the thirteenth section of this act, they shall submit the proposition for assessing said tax or issuing said bonds, or both, to a vote of the qualified white voters of said district, as defined by the first section of this act, at an election to be held for that purpose, at such time and place in said district as said board of trustees shall designate, which proposition or propositions and election shall be first advertised by them by advertisement in some newspaper published in said city, if there be one, and by printed notices posted in six or more conspicuous places in said district, at least twenty days before the day of election, which notices shall state the rate of taxation to be assessed each year, the number of years the same shall be levied and collected, and the amount of bonds to be issued, if any, the rate of interest they are to bear, and the number of years they are to run; and if a majority of the qualified votes cast at any such election, as above provided for, be in the affirmative upon the proposition or propositions submitted, the said board of trustees, in conformity thereto, shall cause such tax to be assessed; levied,

and collected on said bonds to be issued and sold, or both, as the nature of the proposition may be.

§ 16. That this act shall take effect from its passage.

Approved April 15, 1884.

CHAPTER 786.

AN ACT to prohibit the sale, barter, and traffic in spirituous, vinous, and malt liquors, in Hopkins county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person to sell, barter, or loan any spirituous, vinous, or malt liquors, or any mixture of either, or any intoxicating drinks in Hopkins county, Kentucky; and any one so offending shall, for the first offense, be fined in any sum not less than fifty nor more than two hundred and fifty dollars; and for the second offense, and all subsequent offenses, upon conviction, shall be fined in any sum not less than one hundred dollars and not exceeding five hundred dollars, and imprisoned in the county jail not less than thirty nor more than ninety days for each subsequent offense, to be recovered by indictment in the Hopkins circuit court, or by warrant before any justice of the peace in Hopkins county. The fines collected under the provisions of this act shall be paid to the treasurer of Hopkins county, and be applied by him in payment of Hopkins county's bonded indebtedness.

§ 2. It shall be unlawful for the county judge of Hopkins county, or the trustees or board of council of any town in said county, to grant or issue license to any person to sell spirituous, vinous, or malt liquors in said county or towns in said county, and any license issued shall be void.

§ 3. Before the provisions of the foregoing sections shall be in force, an election shall be held in the county of Hopkins to take the sense of the legal voters of said county on the question whether spirituous, vinous, or malt liquors shall be sold therein. Said election shall be held at the several voting precincts in said county on the first Monday in August, one thousand eight hundred and eighty-four, and

the officers of election appointed by the county judge to hold the election, and holding the election for county officers at that time, shall take the vote on the question. The county court clerk shall furnish poll-books for each precinct with two columns, one to be headed "For the sale of spirituous, vinous, and malt liquors," and the other headed, "Against the sale of spirituous, vinous, or malt liquors;" and in these columns the vote on the question shall be entered as polled. Those voting against the sale of spirituous, vinous, or malt liquors shall be construed as voting in favor of this act. The officers conducting said election shall certify the result, and cause the poll-book to be returned in three days after said election to the county court clerk's office; and the same officers whose duty it is by law to count and compare the vote and poll for candidates at said election voted for, shall compare the poll and vote on this question; and if it shall appear that a majority of the legal voters who voted on this question are against the sale of spirituous, vinous, or malt liquors, they shall make a certificate of the fact, showing the vote as given, which certificate shall be entered of record in the order-book of the Hopkins county court, and the provisions of this act shall then be in force.

§ 4. This act shall take effect from its passage.

Approved April 15, 1884.

CHAPTER 787.

AN ACT to incorporate the Pleasant Home and Witt's Landing Turnpike Road Company, in Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That L. W. Giles, A. J. Witt, C. M. Riley, Barton Jones, J. B. Gibson, J. W. Greene, W. H. Lomelenback, Geo. W. Giles, and W. F. Giles, of the county of Owen, and their associates and successors, be, and they are hereby, created a body corporate, under the name and style of the Pleasant Home and Witt's Landing Turnpike Road Company; and as such shall have perpetual succession; may

sue and be sued, plead and be impleaded, in any of the courts of this Commonwealth; may have and use a common seal, and the same alter and amend at pleasure.

§ 2. The business of said corporation shall be to construct a turnpike road from Pleasant Home, in Owen county, to Witt's Landing, on the Kentucky river in said county, the whole of said proposed road being in said county.

§ 3. Said corporators, or any one or more of them, are authorized to open books for the subscription of stock in said company, at any point or place in Owen county. Subscribers to the capital stock of said company shall subscribe the following obligation, viz: We, whose names are hereunto attached and subscribed, do respectively promise and obligate ourselves to pay unto the Pleasant Home and Witt's Landing Turnpike Road Company the sum of twenty-five dollars for each share of stock set opposite to our respective names, in such manner and proportions and at such time or times, as shall be required by the president and directors of said company.

§ 4. The capital stock of said company shall not exceed ten thousand dollars, and shall be ~~divided into shares of~~ twenty-five dollars each; and when the sum of two thousand dollars shall have been subscribed to the capital stock of said company, the directors of said company may commence work on said road.

§ 5. As soon as the corporators aforesaid shall ~~have~~ secured a subscription of stock amounting to two thousand dollars, they shall call a meeting of the ~~stockholders~~ in said company, at some convenient place, for ~~the~~ purpose of electing five directors for said road; ~~notice of the~~ time and place of said meeting ~~shall be given to said~~ stockholders by written or printed notices thereof, delivered to them, or left with some proper person at their usual place of abode. Either of the corporators named in the first section of this act may preside and superintend the organization of said company. At said meeting said stockholders shall ~~proceed~~ to elect five directors, who shall elect one of their number president, and shall also elect a treasurer and secretary; said treasurer and

secretary may or not be selected from amongst the members of said board of directors, as may seem best. The officers aforesaid shall hold their offices for one year from and after their election, and until their successors in office are duly elected and qualified. Before he enters upon the discharge of his duties, the treasurer shall execute a bond to said company, with at least two good sureties, to be approved by the board of directors, to the effect that he will faithfully perform the duties of his said office, and that he will safely keep, and pay over on the order of said board of directors, all moneys that may come to his hands as treasurer as aforesaid.

§ 6. It shall be lawful for the president and directors of said company, their agents, superintendents, or workmen, with their implements, to enter upon the lands over which said road shall run, or those contiguous and near thereto, having first given notice of their intention to the owners or occupants of such lands; and said company shall have the right to survey, lay out, and make said road through any improved or unimproved lands except cemeteries. In case the president and directors of said company shall not agree with the owners of any land over which it shall be proposed to locate said road as to the damages such owners may sustain thereby, then said president and directors may apply to the county court of Owen county for a writ of *ad quod damnum* to assess said damages, and upon the payment or tender of the damages thus assessed, it shall be lawful for said president and directors to open and make said road. *Provided*, That the land condemned for said road shall not exceed thirty feet in width.

§ 7. The grade of said road shall not exceed four degrees; and the stone or gravel part thereof shall not be less than twelve feet in width, and the stone or gravel not less than ten inches in depth.

§ 8. Said board of directors are authorized to let out the building and making of said road to contractors on such terms and in such portions as they may deem most beneficial to the company.

§ 9. Whenever one mile of said road shall have been

completed, in such manner as to be approved by the Owen county court, after having been examined as said court may direct, said company may erect a toll-gate upon said road, and said county court shall make an order authorizing such gate or gates on said road as may seem best for the same.

§ 10. Said president and directors may prescribe and fix the times of payment, and the portions of capital stock to be paid by the stockholders; and upon the failure of any stockholder to pay the amount of any such call made upon the stockholders for payment for more than twenty days after having had notice of such call, the board of directors shall have power to sue for and recover the same, with interest and costs, in any court of competent jurisdiction in this Commonwealth.

§ 11. Said board of directors shall require the secretary to keep a complete record of all their proceedings in a well bound book; and said record shall at all times be open to the inspection of the stockholders.

§ 12. Said board of directors shall have power to establish and fix a rate of tolls for travel upon said road which shall in no event exceed the tolls allowed by the General Statutes.

§ 13. The Legislature reserves the right to repeal, alter, or amend this act at pleasure.

§ 14. This act shall take effect from and after its passage.

Approved April 15, 1884.

CHAPTER 788.

AN ACT to amend an act, entitled "An act to amend the charter of the Jefferson Southern Pond Draining Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section second of an act, approved March the sixth, one thousand eight hundred and seventy-eight, entitled "An act to amend the charter of the Jefferson Southern Pond Draining Company," be and is amended to read as follows: The board of directors of the Jefferson Southern Pond

Draining Company shall have the power and are hereby vested with the right to assess, levy, and collect an annual tax of not more than twenty (20) cents, or less than five (5) cents per acre, to be rated and charged upon the lands within the boundary of said corporation, in proportion to the benefit conferred and to result, which tax shall be used to effect the drainage of the ponds and lands within said boundary; to widen, deepen, cleanse, or otherwise improve the ditches within said boundary, and to pay the debts of said corporation; but said tax shall be assessed and levied for ten years only from and after the passage of this act, except as hereinafter provided. The said corporation shall have a lien upon the lands assessed for the payment of said tax as assessed on each tract, and said tax in this section mentioned, after the lapse of said ten years, may be continued to be assessed, levied, and collected for ten years or less as may be designated and decided, from time to time, with a like lien therefor upon the lands assessed for the payment of said tax as assessed on each tract, upon a vote of the majority of the votes cast at an election or elections to be held by the owners of the land within said boundaries of said corporation, at any regular election of the board of directors of said corporation, or at any meeting of said land-owners called by the board of directors thereof, public notice thereof being given as required in the election of directors.

§ 2. After the board of directors shall have made the annual assessment and levy of taxes, as provided in section one, they shall give notice, by publication three times in a daily newspaper published in the English language in the city of Louisville, that said assessment and levy have been made, and requiring the land-owners within the boundary of said corporation to appear before the board of directors, at a place to be stated in said publication, and ten days after the last day of said publication, and make complaint, if any they have, of said assessment; and the said board of directors shall convene, at the time and place stated in said notice, and hear all complaints of said assessment, and the evidence produced to said board of directors, and adjourn from day

to day until all have been heard; and said board of directors shall make such changes and corrections of the said assessments as may be requisite and just.

§ 3. It shall be the duty of the board of directors to call a meeting of the land-owners within said boundary of said corporation, and submit this act for their approval; and if a majority of the votes are cast in favor of it, it shall take effect and become a law. At said meeting, and at the elections provided for in section one of this act, each land-owner shall be entitled to one vote for each acre of land owned by him, and may cast his votes in person or by proxy, appointed in writing. Notice of said meeting shall be given as required in the election of directors of said corporation.

§ 4. This act shall take effect from its passage.

Approved April 15, 1884

CHAPTER 789

AN ACT act to regulate the sale of spirituous, vinous, or malt liquors, or any intoxicating beverage, in the counties of Knox and Whitley.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell, either directly or indirectly, any spirituous, vinous, or malt liquors, or any intoxicating beverage, in the counties of Knox and Whitley, except as may be hereinafter provided for.

§ 2. Any person who shall, in the counties of Knox or Whitley, sell any spirituous, vinous, or malt liquors, or any intoxicating beverage, contrary to the provisions of this act, shall, upon conviction thereof, either upon indictment or upon information and warrant before a county or police judge, or any magistrate having jurisdiction, be fined not less than twenty-five nor more than fifty dollars for the first offense; and for the second offense he shall be fined not less than fifty nor more than one hundred dollars; and if convicted a third time, he shall be fined not less than one hundred nor more than two hundred dollars, and be required by the court to give bond, payable to the Commonwealth, in a sum not less than two hundred nor more than five hundred

dollars, conditioned that he will not violate the provisions of this act within three years from the date of said bond ; and upon his failing to execute such bond, he shall be confined in the county jail six months, and be, if so ordered by the county judge, put to labor on any public building or public road for the benefit of the county ; and for every offense after the third offense, the punishment shall be the same as prescribed for the third offense.

§ 3. It is, however, provided that sales may be made as provided for in an act, entitled " An act to further regulate the retail traffic in spirituous, vinous, and malt liquors, and nostrums used as a beverage," approved May fifth, one thousand eight hundred and eighty ; but before any druggist shall sell under said act, he shall take an oath before the county judge, which shall be entered of record in the order-book of the county court, that he will make no sales contrary to the provisions of said act nor of this act ; and should he violate the provisions of said act or of this act, he shall be liable to all the penalties prescribed in section six of said act, and also to the penalties prescribed by statute for false swearing.

§ 4. And before any physician shall be authorized to give a prescription as contemplated by said act, said physician shall take an oath before the county judge, a record of which shall be made in the order-book of the county court, that he will not give a prescription to any person contrary to the provisions of said act, and thereupon he shall be granted a certificate by the county judge, a record of which shall be made in the order-book of the county court, showing that said physician is authorized to grant prescriptions as contemplated by said act ; but said certificate shall not be granted unless the county judge shall be satisfied that the applicant is a regular practicing physician of good moral character, and authorized to practice medicine under the laws of this Commonwealth ; and any physician giving a prescription as contemplated by said act, and contrary to the provisions of this act, before obtaining the certificate herein required, shall, upon conviction by indictment, or upon a warrant issued by any judge or magistrate having jurisdiction,

be fined not less than fifty nor more than one hundred dollars for each prescription so granted; and any physician who shall give a prescription after his certificate shall have been revoked, shall, upon conviction, upon indictment or warrant, be fined not less than one hundred nor more than two hundred dollars, and confined in the county jail not less than thirty days; and the county judge shall, upon conviction of any physician for having violated this act, revoke his certificate, if one has been granted to him.

§ 5. Any druggist who shall sell upon the prescription of any physician who is unauthorized to give said prescription, shall, upon conviction, be subject to the penalties prescribed in section six of said act, approved May five, one thousand eight hundred and eighty, and may be arrested and prosecuted as provided in section nine of said act.

§ 6. Any person who shall knowingly permit habitual drinking by others than members of his own family, of spirituous, vinous, or malt liquors, or other intoxicating beverages, upon his premises, or premises under his control, in said counties of Knox or Whitley, shall be held and deemed sellers thereof and violators of this act.

§ 7. Any legal distiller may sell spirituous, vinous, or malt liquors of his own manufacture, in quantities not less than ten gallons, to be removed from the premises.

§ 8. This act to be in force and take effect on and after May first, one thousand eight hundred and eighty-four.

Approved April 15, 1884.

CHAPTER 790.

AN ACT to prohibit the sale of spirituous, vinous or malt liquors at or within one mile of Kirksey, in Calloway county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell any spirituous, vinous, or malt liquors, or mixture thereof, at or within one mile of Kirksey, in Calloway county.

§ 2. That any person violating the provisions of this act shall be subject to the penalties and punishments which are

imposed by statute upon persons guilty of retailing and tippling.

§ 3. This act shall take effect and be in force from its passage,

Approved April 15, 1884.

CHAPTER 791.

AN ACT to prohibit the sale of spirituous, vinous or malt liquors, or any mixture of either, in Waverly precinct of Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That upon the written petition of not less than twenty of the legal voters of the Waverly precinct, the judge of the Union county court shall, by order entered on the order book of his court, direct the sheriff, or other officer whose duty it may be to hold said election, or to an officer appointed by said judge, to open a poll at the usual voting place in said precinct, not less than fifteen nor more than thirty days after making of said order, for the purpose of taking the sense of the voters therein as to whether spirituous, vinous, or malt liquors, or any mixture of either, shall be sold in said precinct.

§ 2. It shall be the duty of the county court clerk to give to the sheriff, or other officer whose duty it is to hold the election, a certified copy of the order of said county judge as it appears on his order book, immediately after the making of the order.

§ 3. The sheriff, or other officer whose duty it may be to hold the election herein mentioned, shall advertise the said order of the judge by printed handbills, posted in at least ten conspicuous places in said precinct ten days before the time fixed for said election. The petitioners for said election shall, at the time of filing their petition, deposit with the judge a sufficient amount of money to pay costs of printing and other costs of election, otherwise said judge may refuse to make said order.

§ 4. It shall be the duty of said sheriff or officer to open a poll at the time and place fixed in said order, which shall

be kept open from six o'clock in the morning until seven o'clock in the evening. The question put to the voter shall be for or against the sale of spirituous, vinous, or malt liquors, or any mixture of either of them, in the Waverly precinct. The judges and clerk of the election shall be appointed by the county judge. The poll-book shall be returned to the office of the county court clerk on the day succeeding said election, unless the same be Sunday, in which case it shall be returned on the Monday following, and it shall be then and there compared and examined by the county judge, clerk, and sheriff, or any two of them.

§ 5. The result of said election shall be certified by the examining board to the county court, which court shall immediately have said certificate entered in full upon the order-book of the said court, which shall be conclusive evidence of the fact of what the said vote was.

§ 6. If it shall appear from the certificate of said examiners that a majority of those voting on the question at said election are against the sale of liquors, spirituous, vinous, or malt, in said precinct, it shall then be unlawful for any person to sell any spirituous, vinous, or malt liquors, or any mixture of either, in the Waverly precinct of Union county; and any person who shall sell any such liquors, or mixture of either, in said precinct, shall, upon conviction thereof, be fined sixty dollars for each offense, to be collected as other fines in the name of the Commonwealth of Kentucky.

§ 7. The quarterly and justices' courts of Union county shall have concurrent jurisdiction with the circuit court of prosecutions for violations of this act, to be prosecuted by indictment in the circuit court, and by warrant in the quarterly and justices' courts.

§ 8. This act shall take effect and be in force from its passage, but shall not affect those who are selling under license at the time this act is approved until such license shall expire.

Approved April 15, 1884.

CHAPTER 792.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors in Calvert City, and within one mile thereof, in Marshall county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful to sell or loan any spirituous, vinous, or malt liquors, except as prescribed by a physician for actual sickness, in the town of Calvert City, or within one mile of the corporate limits of said town, in Marshall county.

§ 2. That every violation of this act shall be a finable offense, and every person so violating it shall be subject to a fine of not less than twenty dollars, nor more than fifty dollars for each offense, to be recoverable by any court of competent jurisdiction in Marshall county.

§ 3. That all fines collected under this act shall be used for common school purposes in the Calvert City school district.

§ 4. This act shall take effect from its passage.

Approved April 15, 1884.

CHAPTER 793.

AN ACT to change the boundary lines of common school district number thirty-five, in Calloway county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the north bounday line of common school district number thirty-five, in Calloway county, be extended from the northwest corner of section twenty-six, township two, range four east, further west, to the northwest corner of section twenty-seven, township two, range four east. The west, south, and east boundary lines of said district, shall hereafter be as follows: Beginning at the northwest corner of section twenty-seven, township two, range four east; thence south on section line to the southwest corner of the northwest quarter of section three, township one, range four east; thence east on quarter section line to Clark's river; thence

down said river with its meanderings to the eastern terminus of the north boundary line of said district.

§ 2. This act shall take effect from its passage.

Approved April 15, 1884.

CHAPTER 794.

AN ACT to incorporate the town of Enterprise, in Carter county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Enterprise, in Carter county, be, and the same is hereby, incorporated, with the following boundary, to-wit: Beginning at a point on the Chesapeake and Ohio Railroad line, two hundred and fifty yards below the Harvey Underwood house, extending two hundred and fifty yards each way, at right-angles with the railroad; thence running parallel with railroad on either side, and two hundred and fifty yards from same, to the Enterprise company's southwest boundary line west of station-house.

§ 2. That Wm. Cooper, W. H. Griffey, J. C. Shay, G. W. McClelland, and — Spriggs, are hereby appointed trustees of said town, who shall hold their office until the first Saturday in June, one thousand eight hundred and eighty-four, at which time, and annually thereafter, there shall be an election by the qualified voters of said town for five trustees to serve for one year, and until their successors are duly elected and qualified. Said trustees herein mentioned shall, before they enter upon the duties of their office, be duly sworn by a justice of the peace for said county that they shall faithfully discharge the duties of said office.

§ 3. That said trustees and their successors in office shall be a body politic and corporate, and shall be known as the Trustees of the town of Enterprise; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all the courts of this Commonwealth.

§ 4. That said trustees, any three of whom shall constitute a quorum, shall elect one of their number a chairman, who shall preside over the deliberations of said board when convened, and who shall have power to convene the board in session whenever he may deem it necessary.

§ 5. There shall be elected annually, at the same time the trustees are elected, a police judge and town marshal for the town of Enterprise, who shall serve until their successors are elected and qualified. The jurisdiction and powers of the police judge in civil and criminal cases shall be the same as a justice of the peace; and he shall receive the same fees as a justice of the peace for like services, and compose one of their number in holding the court of claims for Carter county. He shall be commissioned by the Governor. The town marshal shall have the same power and like fees as constables; shall give bond and be qualified in the Carter county court the same as constables.

§ 6. The board of trustees created under this act shall provide, prior to the first election, proper officers for holding the same; and they shall give at least ten days' notice of the time and place of holding said election, by written notice, posted in at least three public places in said town.

§ 7. That said trustees shall have power over the streets, alleys, and sidewalks, and may direct the opening or improving of the same in such manner as they may deem most beneficial to said town. They shall have the power to make all by-laws for the regulation and government of said town, not inconsistent with the Constitution and laws of the United States and of this Commonwealth. They shall have power to levy and collect a tax upon the property and tithes in said town, not to exceed twenty-five cents on each one hundred dollars' worth of property, and not to exceed one dollar on each tithe, to be applied to the improvement of the streets and sidewalks in said town. It shall be the duty of said trustees to appoint a treasurer and clerk, and such other officers as they may think necessary, and to take bonds, with sureties; and for a violation of duty or default of any officer so appointed, suit may be brought before any tribunal having jurisdiction thereof. A majority

of said trustees may, for proper cause, remove any officer, and appoint others to fill the vacancy.

§ 8. That all fines and forfeitures inflicted and collected under the ordinances and by-laws of said town shall be paid to the treasurer of the town for the use and benefit of the corporation.

§ 9. It shall be the duty of the trustees of said town to keep the streets and alleys in good repair. They are hereby authorized to tax the citizens and owners of property a sum sufficient for that purpose: *Provided*, The taxation shall not exceed the rate specified in section seven. The citizens of said town are hereby exempted from working on public roads, except that part of the public roads inside of the corporate limits of said town. The trustees in the by-laws shall provide for the keeping said roads in good repair; and for that purpose may require all able-bodied male persons, between the ages of sixteen and fifty years, residing inside the corporate limits, to work on the same.

§ 10. The police judge, in addition to the powers conferred on him by section five, shall have exclusive jurisdiction, subject to appeal, of all violations of the town ordinances and by-laws. It shall be the duty of the town marshal to execute all process directed to him by the police judge, and to collect the revenue of said town. Before entering on the discharge of this duty, he shall give bond, with sureties, to be approved of by the trustees. Vacancies occurring in the offices of police judge and town marshal are to be filled in the same manner that vacancies in the office of justice of the peace and constables are filled.

§ 11. That this act shall take effect from and after its passage; and the right to repeal, alter, or amend this act is reserved to the General Assembly.

Approved April 15, 1884.

CHAPTER 795.

AN ACT to incorporate the town of Mount Pleasant, in Harlan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Mount Pleasant, in Harlan county, is hereby incorporated ; the corporate limits shall be as follows: Beginning at the mouth of Cotron's creek ; thence a northeast direction to the dwelling-house of James B. Howard, on Clover Fork of Cumberland river ; thence a northwest direction to the mouth of Poor Fork of said river ; thence a straight line to the beginning.

§ 2. That H. C. Rice, J. K. Bailey, T. S. Ward, John Jones, jr, and George B. Turner, be, and they are hereby, appointed trustees of said town, who shall choose one of their body as chairman, and another as clerk ; and a majority of said trustees shall constitute a quorum to do business. The trustees appointed shall remain in office until the first Saturday in June, one thousand eight hundred and eighty-four, and until their successors are elected and qualified ; and upon which day, and upon the first Saturday in June in each succeeding year thereafter, there shall be elected five persons to serve as trustees of said town for one year, and until their successors are duly elected and qualified.

§ 3. That all citizens residing in said town, and in said corporate limits sixty days before the town election, and who are qualified to vote and hold office under the Constitution and laws of the United States and the Constitution and laws of Kentucky, are entitled to vote and hold office in said town.

§ 4. That said trustees are hereby constituted a body-corporate ; and in their name the trustees of the town of Mount Pleasant may sue and be sued, and exercise all other privileges incident to municipal corporations.

§ 5. A police judge and town marshal shall be elected by the qualified voters of said town on the first Saturday in June, one thousand eight hundred and eighty-four, who shall hold their offices for one year, and until their successors are elected and qualified. After the first election, the police

judge and the town marshal shall be elected annually, at the same time the town trustees are chosen, and shall hold their offices for the same length of time.

§ 6. Said officers shall, before they enter upon the duties of their respective offices, take the oath prescribed by law, and the marshal shall execute bond in the county court, with approved security, conditioned for the faithful discharge of his duties.

§ 7. Said police judge shall have concurrent jurisdiction with justices of the peace in the Mount Pleasant precinct, in all criminal and penal cases, and shall be entitled to the same fees for similar services. The marshal shall have the same powers, both civil and criminal, as constables of Harlan county, and be entitled to the same fees for his services.

§ 8. Said trustees shall make and enforce all needful by-laws and rules for the government and regulation of said town, not inconsistent with the Constitution and laws of the United States or of the State of Kentucky; and they may do and perform all needful acts to promote and carry out the chief objects of this corporation, to-wit, the improvement of said town and its good government.

§ 9. All fines and forfeitures recovered before the police court of said town shall be paid, when collected, to the trustees of said town; and all money paid over to said trustees as aforesaid shall be used in maintaining the government of said town, and in keeping in repair the streets of same.

§ 10. All vacancies in the offices caused by death, failure to act, removal, or otherwise, shall be filled by appointment of the trustees, two thirds of same acting for that purpose.

§ 11. This act shall take effect from and after its passage.

Approved April 15, 1884.

CHAPTER 796.

AN ACT to authorize the county court of Cumberland county to have made a cross-index to suits and causes on file in the circuit court clerk's office of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Cumberland county, a ma-

jority of the justices of said county in commission being present and constituting a part of the same, may procure a suitable book for the purpose, and contract for and cause to be made a complete cross-index to all the civil suits and causes on file in the office of the clerk of the Cumberland circuit court, both law and equity, that were dismissed or stricken from the dockets of said circuit court prior to the first day of January, one thousand eight hundred and seventy-four.

§ 2. When said index shall have been completed, the same shall be examined by the judge of the Cumberland county court, and if the same is approved by him, he shall so certify to the Cumberland county court of claims, and said court of claims shall, at its next term after the completion of the index, allow the amount agreed upon for the work to the contractor, to be paid out of the county levy of said county.

§ 3. This act to take effect from and after its passage.

Approved April 15, 1884.

CHAPTER 797.

AN ACT to amend the charter of the town of Morehead, in Rowan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Morehead, Rowan county, shall have power to grant coffee-house license to any person or persons to retail spirituous, vinous, or malt liquors within the corporate limits of the town of Morehead.

§ 2. The trustees of the said town of Morehead shall have power to levy and collect a tax on all tavern-keepers who have a license to retail spirituous liquors, or any mixture therewith, or any person who has a license to keep a coffee-house inside the corporate limits of the town of Morehead, any sum not to exceed one hundred dollars for each person who keeps said tavern or coffee-house, which shall be in addition to the taxes now imposed on such person or persons by law; and any person who shall sell spirituous

liquors of any kind before paying to the treasurer of the town of Morehead the tax aforesaid, shall be fined twenty-five dollars for each day or part of day they shall so sell without said license, recoverable by warrant in the name of the Commonwealth of Kentucky, and said warrant shall be issued, returned, and tried by the county judge of Rowan county.

§ 3. The money arising under the tax of tavern or coffee-house license, and the fines for the failure to procure such license, shall be expended by the trustees in keeping up the streets and sidewalks of said town of Morehead.

§ 4. The said trustees of said town of Morehead shall have power to levy and collect annually a poll-tax of not more than three dollars on every male person over twenty-one years of age residing inside of the corporate limits of said town. The town marshal is empowered to collect said taxes, and is responsible on his official bond for the collection of the same; and said trustees shall allow said marshal, as commission for collecting said tax, any sum not to exceed ten cents on each dollar he shall so collect.

§ 5. The county judge of Rowan county shall appoint the treasurer of the town of Morehead, who shall give bond with approved security for the faithful performance of his duties as treasurer, and the county attorney of Rowan county shall settle with said treasurer, police judge, and town marshal every six months, and shall have power to issue subpoenas and have witnesses summoned before him, and administer oaths to said witnesses, and hear evidence touching the indebtedness of either or any of said officers aforesaid, and he shall report his settlement to the county court in writing, and have the same spread of record. Said attorney shall have power to settle with the present officers, to-wit: C. P. Martin, treasurer, Daniel White, police judge, and Allen Sutton, town marshal.

§ 6. Upon the failure or refusal of the treasurer, police judge, or town marshal of said town of Morehead to settle when called upon by said county attorney, or refuse to pay over any money in their hands to their successors in office, or to any person or persons the trustees of said town may

order money paid to, it shall be the duty of the trustees, or any other person, to report the same to the county court of Rowan county, and said court shall issue a rule against the officer and his sureties so failing to pay, returnable at the next term of the county court, to show cause why judgment shall not be rendered against him and his sureties for said sum so ordered to be paid. The rule shall be awarded against said officer and his securities, and shall be served ten days before the first day of a regular term of the Rowan county court. Said judge of the county court shall hear and decide said case upon said rule against said officer and his sureties.

§ 7. If, upon hearing the case fully, it shall appear that said treasurer, police judge, or town marshal of Morehead, is indebted to said town, or to any one else, said trustees may order said money paid to the court; shall render judgment against said officer and his sureties so indebted in favor of the town of Morehead, or to the person or persons entitled to said money; and the payment of said judgment shall be coerced by execution against said officer and his securities, which execution shall be issued by the county court clerk of Rowan county or his legally authorized deputy, and directed to the sheriff or any constable of Rowan county, who shall execute the same. No proceedings shall be dismissed under this act upon account of the defect in the form of the rule or the proceedings against said officer and his securities; but it shall be the duty of the court to hear the evidence and decide the matter according to the indebtedness of the party or parties.

§ 8. All fines and forfeitures recovered for any violation or infraction of the laws of this State or by-laws of the town of Morehead, committed within the corporate limits of Morehead, shall go to the town of Morehead for the purpose of keeping up the streets and sidewalks of said town. It shall be the duty of any officer trying any person brought before them for trial for any violation of the law committed within the corporate limits of the town of Morehead, to give to the county attorney of Rowan county reasonable notice in writing of the time and place of said trial;

and it shall be the duty of said attorney to attend and prosecute said offender.

§ 9. It shall be the duty of the town marshal, police judge of Morehead, the sheriff, or any constable of Rowan county, to arrest any person or persons who may be found on the streets of said town drunk, or guilty of any disorderly conduct that they may see or have any knowledge of; upon the failure of said officers to arrest said person or persons as aforesaid, they shall be subject to a fine of ten dollars, which shall be recoverable by warrant in the name of the Commonwealth of Kentucky, which warrant shall be returnable before and tried by the county judge of Rowan county.

§ 10. In any case, when it is necessary to take land to straighten any street or alley, or to change any street or alley, or open the same, or to have any fence moved back off of any street or alley or sidewalk in the town of Morehead, the trustees shall have power to commence their action in Rowan circuit court, making the party or parties owning said land or fence parties defendants, and the same shall be heard and decided by said court; and this is the only mode in which said trustees shall have power to make the changes or alterations in this section named, and that portion of the original charter of the town of Morehead, providing a different remedy for making said changes, is hereby repealed.

§ 11. It shall be unlawful for any keeper or owner of a billiard or pool-table to allow any minor to play any game of billiards or pool on their table for pay or amusement, or in any other way, or to loaf or stay around any billiard or pool-table within the corporate limits of said town, and any owner or manager of any billiard or pool-table, who shall violate the provisions of this section, shall be fined ten dollars for each offense; and each game so played, or each time of playing, shall be deemed a separate offense, and the party so offending shall be subject to indictment by the grand jury of Rowan county.

§ 12. It shall be the duty of the county judge of Rowan county to see that the trustees of the town of Morehead make and keep in good repair the sidewalks and streets of

said town; and for their failure to make and keep said streets and sidewalks in good repair, may fine them for each offense not less than ten dollars each, and no more than twenty-five dollars each. The individual property of the trustees shall be liable to levy and sale to pay said fine that may be so imposed against them; or upon the failure of either or any of said trustees to make good their fine to the town of Morehead, they shall be imprisoned in the county jail at the rate of two dollars per day until said fine is paid; but this shall not release them from paying said fine afterwards if they have property subject to execution. A rule against said trustees which shall be served upon all of them, is sufficient notice to hear the proof and fine said trustees for their failure to discharge the duties as to making said streets and sidewalks and keeping them in repair.

§ 13. The county attorney of Rowan county shall have thirty per cent. of all fines and forfeitures which he may attend and prosecute under this act; and for making said settlements as herein provided he shall be allowed a reasonable compensation for his services, to be allowed by the county court of Rowan county, and paid by the town of Morehead.

§ 14. Any officer who shall fail to give said county attorney notice as herein provided, shall be fined, on conviction, ten dollars, recoverable by warrant in the name of the Commonwealth of Kentucky, which shall be issued, returned, and tried before the county judge of Rowan county.

§ 15. Any person or persons confessing or pleading guilty to any charge made against them for offenses committed in the corporate limits, shall be fined to the full extent of the penalty or fine prescribed by law.

§ 16. Any officer collecting any money under this act, and failing to pay the same, or any person who has heretofore collected any money for said town and failing to pay the same over upon proper demand, shall be deemed guilty of embezzlement, and upon indictment by the grand jury

of Rowan county, and convicted, shall be confined in the State Penitentiary for a period of not less than one nor more than four years.

§ 17. The services required by the county court clerk under this act shall be paid by the town of Morehead, but before the same is paid, it must be allowed by the county judge, and ordered by said judge to be paid; said allowance shall not be more than said clerk is now allowed for similar services by law.

§ 18. The county judge of Rowan county shall appoint two judges and a clerk to hold an election on the first Saturday in May, one thousand eight hundred and eighty-four, and annually thereafter, for the election of five trustees, police judge, and town marshal of the town of Morehead. Said judges and clerk shall be allowed (\$1.50) one dollar and fifty cents each for holding said election, payable by the town of Morehead. Said judges and clerk shall decide who are qualified voters, and shall issue certificates of election to the parties receiving the greatest number of votes at said election. The poll-books shall be returned to the county court clerk of Rowan county, and by him safely kept in his office.

§ 19. All acts in conflict with this act are hereby repealed.

§ 20. This act shall take effect from its passage.

Approved April 16, 1884.

CHAPTER 798.

AN ACT to authorize the board of commissioners of Boyd county to assume a debt or liability of certain citizens in said county, if sanctioned by a vote of the majority of the voters of said county.

WHEREAS, In the act of this General Assembly, entitled "An act to establish the county of Boyd," it is provided that nothing in said act should be construed to relieve the citizens and property then subject, or which might thereafter become subject to taxation within that part of Carter county which was included in the county of Boyd when created, from being made liable for the bonds and interest issued to the

Lexington and Big Sandy Railroad Company ; and whereas, it is claimed that said citizens and property is still liable for part of said bonds and interest thereon ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That if it shall be made satisfactorily to appear to the board of commissioners of Boyd county that the citizens and property within that part of the county of Boyd taken from Carter county is still liable for any part of the bonds issued to the Lexington and Big Sandy Railroad Company, and interest thereon, and that the amount of said liability does not exceed eight thousand dollars, and that the holders or owners of said railroad bonds will accept said sum so ascertained in full satisfaction of claim upon or liability of the said citizens and property aforesaid, then it shall be lawful for the said board of commissioners of Boyd county to submit the question to the qualified voters of said county, whether or not they are willing that the county of Boyd should assume and pay such liability ; and to ascertain that fact, said board of commissioners, whenever money enough is deposited with them to pay the expenses of the election, may make an order upon the order-book of the said board directing that a poll shall be opened on a certain day in each of the voting precincts of said county, at which all the qualified voters in said county shall have the right to vote upon said question. The order shall direct the day upon which the vote is to be taken, and the hours of the day, so that the polls shall be open at six o'clock, forenoon, and shall be closed at seven o'clock, afternoon, of said day. The order shall also state in full the question to be voted upon. Said board shall also, at the time the order is made to submit said question to the voters aforesaid, appoint the officers for each precinct to take the vote, all of whom, before acting, shall be sworn as officers of elections are required to be sworn by the general election law.

§ 2. It shall be the duty of the said board of commissioners of Boyd county, at least twenty days before the time fixed by them to take said vote as required in the first section of this act, to give a copy of the order directed to be made by them to the sheriff of Boyd county, with an order directing

him to notify the officers appointed to hold said election of their appointment, and fixing in said order the newspaper in which the copy of the order is to be published ; and it is made the duty of said sheriff aforesaid to have said order of the board directing the vote to be taken published in the paper so designated, for two consecutive weeks before said vote is taken ; and printed or written copies of said order shall be by said sheriff posted or caused to be posted in at least three public places in each voting precinct in said county ten days before the vote is to be taken.

§ 3. It shall be the duty of the sheriff, or other person acting as sheriff, at each of the precincts in Boyd county, to open a poll at the time designated in the order of the board of commissioners aforesaid, and the question in substance shall be propounded to each person voting : " Are you in favor of the county of Boyd assuming and paying off the liability to the holders of the Carter county bonds issued to the Lexington and Big Sandy Railroad Company for which citizens and property in that part of Boyd county taken from Carter county in the formation of Boyd are liable ? " and his vote shall be recorded for or against as he directs. The polls shall be kept and returned as polls are required to be kept and returned in county elections by the general law, and shall be examined and compared by the same officers as elections for county judge are required to be examined and compared.

§ 4. The officers whose duty it is made by the third section of this act to examine and compare the polls upon the vote taken as provided in said section, shall make out and deliver to the board of commissioners of Boyd county a certificate showing the result of the said vote, which certificate shall be filed and preserved with the papers of said board.

§ 5. If it shall appear from the certificate of the examining board mentioned in the fourth section of this act that a majority of the votes were in favor of assuming the liability mentioned in the first section of this act, then the said board of commissioners of Boyd county may make an order assuming said liability, so that it does not exceed eight thou-

sand dollars; and may, from time to time, make levies to pay the same; and when such levies are made, the same shall be collected by the same officer who collects the county levy of said county; and he and his sureties on his bond, given for the collection of the county levy, shall be responsible for such levy, and liable to action therefor, and to all fines and penalties now allowed by law for failing to collect or pay over the county levy. The sheriff shall pay over the amount collected by him, under the provisions of this act, to the persons entitled to the same.

§ 6. The officers holding the election or taking the vote, as required by this act, and the sheriff for giving the notices and publishing the order for the taking of the vote, shall be allowed same fees as are allowed for like services under the general law.

§ 7. Nothing in this act shall be construed to make valid any claims of the holders of the bonds of the Lexington and Big Sandy Railroad Company that are not valid and binding under existing laws.

§ 8. This act shall take effect from its passage.

Approved April 16, 1884.

CHAPTER 799.

AN ACT for the benefit of J. R. Jewell, of the city of Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. R. Jewell, of Fayette county, a justice of the peace of said county, having been elected clerk of the recorder's court of the city of Lexington for the term of two years from the first day of September, one thousand eight hundred and eighty-four, be, and he is hereby, rendered competent to fill said position of clerk of said court; and his office of justice of the peace shall not be deemed incompatible with said office of clerk of said court: *Provided*, That all warrants issued by the said J. R. Jewell, either as magistrate or clerk, in all felony cases within the city limits, shall be made returnable before the recorder's court of the city of Lexington.

§ 2. This act shall take effect from its passage.

Approved April 15, 1884.

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